

ENGLISH LIBERTY:

BEING A COLLECTION OF

INTERESTING TRACTS,

From the Year 1762, to 1769 inclusive.

CONTAINING

The PRIVATE CORRESPONDENCE,

PUBLIC LETTERS

SPEECHES, AND ADDRESSES,

JOHN WILKES ESQ.

VOLUME THE SECOND.

L O N D O N,

Printed by and for T. BALDWIN, in Great-May's-Building, St.
Martin's-Lane;

Sold by S. WOODGATE, in St. Paul's Church-Yard.

ENGLISH LIBERTY

FRANCHISES OF MIDDLESEX

INTERESTING TRACTS

FROM THE YEAR 1783 TO 1801

CONTAINING

THE PRIVATE CORRUPTIONS

PAW BRIDGE DE TOWERS

SPEECHES AND ADDRESSES



SECOND VOLUME INTERESTING TRACTS

JOHN WILKES ESQ

ANNUAL CORRUPTIONS
VOLUME THE SECOND

IS MOST HUMILY

LONDON

Printed by and for T. BALDWIN in Great-Mary's-Building, St. Martin's-Lane

Sold by S. WOODGATE in St. Paul's Church-Yard

TO THE
FREEHOLDERS OF MIDDLESEX,
TO
WILLIAM BECKFORD, LORD MAYOR,
AND TO
THE TWO PATRIOTIC SHERIFFS,
SAWBRIDGE AND TOWNSEND,
THIS
SECOND VOLUME OF INTERESTING TRACTS,
WRITTEN IN OPPOSITION TO
A VENAL, CORRUPT, & WICKED ADMINISTRATION,
IS MOST HUMBLY INSCRIBED,
BY THE EDITOR.

TO THE

FREEDOMERS OF MIDDLESEX

TO

WILLIAM BECKFORD, LORD MAYOR.

AND TO
THE

THE TWO PATRIOTIC SHERIFFS
C O N T E N T S
SAWBRIDGE AND TOWNSEND.

1830

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ENGLISH

31 JUL 1954

ENGLISH LIBERTY.

PART II.

January 2, 1769.

THE Right Hon. the Lord Mayor held a ward-mote at St. Bride's church in Fleet-street, for the election of an Alderman of Farringdon ward without, in the room of the late Sir Francis Gosling, when John Wilkes Esq. and Mr Bromwich, a Paper-hanger on Ludgate-hill, were severally put up; at which time there appearing an amazing number of hands in favour of Mr. Wilkes, and very few for Mr. Bromwich, Mr. Wilkes was declared, but a poll being demanded by the friends of Mr. Bromwich, the same began immediately, and closed at three, when the numbers stood as follow

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O o o

About

About three o'clock Mr. Bromwich declined giving his friends any further trouble, and Mr. Wilkes was declared duly elected, amidst the shouts of a prodigious multitude of people, great part of whom accompanied the Right Hon. the Lord Mayor to the Mansion-house, with repeated acclamations of applause for his Lordship's candid and impartial conduct. The election was attended with very little disturbance, considering the great zeal testified by the friends of Mr. Wilkes, as a steady assertor of their privileges, and the freedom of Englishmen.

In the evening of the same day there appeared in the public papers the following address

To the worthy Inhabitants of the Ward of
Farringdon Without.

Gentlemen, Freemen, and Fellow Citizens!

I Am truly grateful to you for the honour I this day received in being elected alderman of this large, opulent and respectable ward. Every power I derive from that high office, shall be employed in the preservation of the rights of the livery of London, and of all freemen of this great metropolis. After the primary duty I owe to the county of Middlesex, I shall consider the claim which you now have upon me, as demanding the utmost exertion of my poor abilities. I promise you a faithful and zealous attachment to your service, a diligent attendance on your business, and a steady attention to the interests of our ward.

From you, gentlemen, I entreat, upon every occasion, a full and early communication of whatever you judge of consequence

consequence to the prosperity of the ward, as well as to the welfare of this free city, and the support of its trade and commerce, which are of the utmost importance to its own greatness, and to the whole kingdom. I will always take a publick-spirited, decided, and disinterested part; and I doubt not of support and assistance in all my undertakings, for they shall be directed solely by a regard to the interest of the people of England, of this city in general, and of our ward in particular. The near relation in which I now stand to you, will, I hope, furnish me with frequent opportunities of knowing your sentiments in our common concerns, and every gentleman of the ward shall have an easy access where they have lodged their power; for the just exercise of which I shall think myself in all instances accountable to my constituents.

I am, Gentlemen,

Freemen, and Fellow Citizens!

With gratitude and respect,

Your affectionate and obedient

King's-bench Prison,

Humble servant,

January 2, 1769.

JOHN WILKES.

In consequence of Mr. Wilkes's being elected alderman of Farringdon ward without, a gentleman was sent with a message to him from the Right Hon. the Lord Mayor, acquainting him of the same and desiring him to appoint a day for his being sworn in. Mr. Wilkes received his Lordship's message with the highest regard, and begged the gentleman to return his most grateful and sincere thanks to his Lordship for the great candour he had shewn on the day of election, and hoped that he should have it in his power to pay his respects to his Lordship at the Mansion House on Tuesday the 24th of the same month, and to be sworn in at Guildhall that day.

On Thursday, January 12, at a very numerous and respectable meeting of the freeholders of the county of Middlesex, held at the Mile-End assembly-room, the following instructions were unanimously agreed to, and directed to be transmitted to the Knights of the Shire:

JOHN WILKES, and JOHN GLYNN, Esqrs.

KNIGHTS of the SHIRE
For the COUNTY of MIDDLESEX.

GENTLEMEN,

We, the freeholders of the county of Middlesex, direct and instruct you our representatives in parliament.

I. To endeavour to continue to us, and to confirm our old constitutional and only rightful trial---by jury.

II. To promote a strict parliamentary enquiry into the transactions of the military in St George's-fields, on Tuesday the 10th of May last.

III. To promote a like enquiry into the riot and murders committed at Brentford on the 8th of last December.

IV. To examine into the administration of justice in this county; particularly into the present state of the commission of the peace.

V. And, as far as in your power, to promote an enquiry into the rights of the public to the territorial revenue arising from the conquest in India.

John Sawbridge, Esq. member of parliament for Hithe in Kent, was by the general voice placed in the chair.

The

The instructions relating to the trial by jury was moved by the Rev. Mr. Horne.

The three instructions relative to inquiries into the transactions of St. George's-fields, the riot at Brentford, and the commission of the peace, were moved by James Adair, Esq. And,

The inquiry relative to the territorial revenue of the conquests in India, was proposed by Benjamin Hayes, Esq.

The three gentlemen abovementioned were appointed to convey these instructions to the Knights of the Shire, and desired to repeat to them the reasons (as well those advanced by themselves as by others in the course of the debate) and the motives which induce the county to form such instructions at present.

January 17, a court of aldermen was held, to consider in what manner they should act with respect to the legality of the election of Mr. Wilkes, as alderman of Farringdon without; it appearing, that the casting up of the poll *after* an adjournment had been *mentioned*, and *declaring* the candidate who *had* the majority *after* the other candidate *had declined*, was an undue election. And

On the 21st another court being held, Mr. Wilkes's election was declared to be illegal, and a wardmote was appointed to be held accordingly on the 27th inst.

On which account, Mr. Wilkes, in his usual manner, addressed himself

P p p

To

To the Worthy Inhabitants of the Ward of
Farringdon Without.

Gentlemen, Freeman, and Fellow-Citizens!

I Cannot conceal my surprize at this day's resolution of the court of aldermen, relative to the high office which I now hold by your favour in this great city. The day after your choice an officer came to me from the Lord Mayor to congratulate me on my election, and to say, that on account of the holidays no court of aldermen could be held till Tuesday the 17th, when his Lordship would declare my being elected your alderman; and he gave me notice that I must prepare to be sworn in on the Tuesday following, the 24th. I desired the officer to return my thanks to his Lordship for the obliging congratulation, as well as for the fair and candid proceedings at St. Bride's church; and I added, that as I did not doubt from the justice of the House of Peers, that the two sentences against me would be reversed on the 16th, * I hoped to pay my personal duty to the first magistrate of the city on the 17th, at the Mansion-house.

I am entirely convinced, gentlemen, that the late election was fair and legal. It was almost unanimous. My opponent, Mr. Bromwich, gave up the contest under his hand at the time of election, and two days after, on Wednesday the third, he advertised in the public prints, "that finding the sense of the ward to be so much in favour of

* This day the writs of error brought by Mr. Wilkes against the two verdicts, for which he was sentenced to the King's-bench prison, were not allowed, but both the judgments were confirmed.

of John Wilkes, Esq. he declined the poll, not being willing to give any unnecessary trouble to his friends." The Lord Mayor published the numbers as soon as Mr. Bromwich gave up the poll, and declared me duly elected.

The proceeding to a new election, I consider as an injury done to you, gentlemen, whose rights and privileges I will ever support. I am informed there is no power in the court of aldermen to decide upon, or even to enquire into, the object of your choice, or the legality of your election. They are obliged to admit and to swear in the person, who is returned to them by your chief magistrate. The act of common-council compels them to it. I will support this right, not only for the sake of our own ward, but as the clear privilege of the city, of every citizen of London. Upon this principle I shall not ask any favour of them, but do lay claim to the being admitted into that court, in consequence of your free election of me as alderman of this respectable ward.

As I find, gentlemen, that another wardmote is summoned for next Friday, I entreat you to attend early to assert your own independence, to support your former election, and to prevent, if possible, all cavil. I am well informed, that a part of the court of aldermen are determined to seek a pretence, however frivolous, to reject me, although I should be honoured a second time by your choice; but I beg leave to assure you of my steadiness in the maintainance of your rights on this and every other important occasion, and that I am,

With true respect, Gentlemen,

Your obedient, and faithful

King's-bench Prison,

Humble servant,

January 24, 1769.

JOHN WILKES.

N. B. The wardmote will be held at St. Bride's church, on Friday next, at eleven o'clock in the forenoon.

Friday

Friday, January 27, pursuant to a precept from the Right Hon. the Lord Mayor, came on at St. Bride's church, the re-election of an alderman, for the ward of Farringdon without, when John Wilkes, Esq. was unanimously chosen, no other person appearing as a candidate. At the opening of this business, the Lord Mayor, in a very polite and obliging manner assured the inhabitants, "that the reason of their having the trouble of attending a second time on the business of electing an alderman, was owing to a mistake of his own, in making the declaration at the former election after the books had been closed."

The success of this day, occasioned Mr. Wilkes's second address

To the Worthy Inhabitants of the Ward of Farringdon Without.

GENTLEMEN,

THE repeated exertions of the noble spirit of independence which you have shewn this day, does me the highest honour, and calls for my grateful acknowledgments. It now only remains for me to assert your rights, to carry into execution what you have determined in my favour, and to employ the power with which you have intrusted me, for your good. Whatever occurs, I shall submit to my constituents. I desire the gentlemen of the ward to be the judges of my conduct, and to try me by my actions, which, I promise you, shall always be directed to the great commercial interests, to the privileges and the franchises of this city, and all the citizens. It will be my ambition, as well as duty, in this new dignity to which you have raised me, to assert the rights of all the freemen

of London, and to promote, on every occasion, the interests of this respectable and important ward.

I am, Gentlemen,

Your faithful and obliged

Humble servant,

Friday, Jan. 27, 1769.

JOHN WILKES.

January 27, the petition of Mr. Wilkes * came under the consideration of the House of Commons, when it was resolved, that the council for Mr. Wilkes should not be admitted to be heard upon any of the allegations contained in the said petition, except the complaint of the record's having been materially altered by Lord Mansfield's orders; and the charge against Philip Carteret Webb, Esquire, of having suborned and bribed, with the public money, one Michael Curry, to give evidence against Mr. Wilkes, according to the directions of the said Mr. Webb.

By the way, however, it should be remarked, that the present examination comprehends only two articles of the

Q q q

petition;

* *Luna*, 14^o *Die Novembris*, 1768, A petition of John Wilkes, Esq. was presented to the House, and read; setting forth, that, in April 1763, the Petitioner, then a member of the House, was by a general warrant apprehended, and carried before the two principal Secretaries of State; that he applied by his friends to the court of Common Pleas for a *Habeas Corpus*, which was ordered to issue immediately; of this he acquainted the said Secretaries at his examination by them, who, notwithstanding, committed the petitioner a close prisoner to the Tower, although charged only with a misdemeanor; that for three days, no person was suffered to have access to him; that his house was plundered, his bureaux broke open, and his papers carried away, under the said general warrant; that, after his discharge from the Tower by the unanimous judgment of the court of Common Pleas, he was served with a *Subpoena* from the court of King's-bench, upon an information;

petition; viz. the alteration of the records, and the public money issued to Michael Curry, as evidence for the crown against Mr. Wilkes. To the first point Mr. Barlow and Mr. Wallace are very full and express; but it is rather wonderful that the artful Mr. Wallace should be so much off his guard as to acknowledge so far to the House, that at least he concurred with other gentlemen concerned for the crown in the advice to alter the records, when Mr. Wilkes had been his client in the beginning of these very causes, and of consequence had imparted to him, as counsel, in whom he confided, the secrets of the intended proceedings both in the legal defence and attack. Mr. Wallace indeed denied this with unusual warmth; but Mr. Wilkes insisting on the fact, and being ready to prove it, the lawyer was pleased to make a full confession of this meanness and treachery in the same place the very next morning, with the modesty, which has accompanied him through life.

In
 mation; that counter-notice, signed summoning officer, were sent to several of the jury, only the day before the trials; that, nevertheless, the trials came on the day fixed; that the records were materially altered at Lord Mansfield's house, by his Lordship's orders, against the consent of the petitioner's Solicitor, only the evening before the trials, without the knowledge of the petitioner, he being detained abroad at that time by illness; that the papers seized under the said general warrant were produced as evidence on his trials; that Philip Carteret Webb, Esquire, then Solicitor to the Treasury, suborned and bribed, with the public money, one Michael Curry, to give evidence against the petitioner at the trials, according to the directions of the said Mr. Webb; that the petitioner was in March last elected Knight of the Shire for the county of Middlesex; in April appeared before the court of King's-bench, when the said court committed him to the King's-bench prison; and that in June he was sentenced to a further imprisonment of twenty-two months in the said prison, where the petitioner now is; and that the petitioner submits the whole of his case to the wisdom and justice of the House, in the full persuasion of having an effectual and speedy redress of all his grievances.

In the second case likewise Michael Curry, in his evidence on the last of January, 1769, at the bar of the House of Commons, without oath, varies almost as much from his deposition on oath * before the Lord Mayor on the 3d of August, 1768, as you find Mr. Wallace does from himself on the last of January and the first of February.

It is necessary further to premise, that there were several other articles in Mr. Wilkes's petition, besides the complaint of the general warrant and the seizure of papers, which are not inquired into, neither by parliament, nor by any court of law, and yet are of the utmost importance. Of this nature are the evasion of the Habeas Corpus act, the close imprisonment for a bailable offence, the subpoena on an information for only a misdemeanor, the counter-notices, signed summoning officer, sent to several of the jury only the day before the trials, and the producing papers seized under the general warrant as evidence on the trials; all which are entire new matter, and I think ought to be gone into by the House of Commons as the grand inquest of the nation in the ensuing session.

Mr. Wilkes had the authority of the House to summon a variety of witnesses so early as the 24th of November, who attended, at an enormous expence, till January 27, in order to prove every allegation in his petition; but on the morning it was to be heard, the majority determined that evidence should be gone into only on two points. He was likewise permitted to call for the office copy of the general warrant, &c. &c. to prove that part of the petition, which was not garbled till the very day of its being heard.

* See his affidavit, page 202. Part I.

heard. The only paper refused was, all such accounts as have been passed, declared, or received, from Philip Carteret Webb, Esq. late Solicitor of the Treasury, since Midsummer, 1762, from the auditors of the imprest, or their deputies.

On Mr. Wilkes's being brought before the House, the first time after his election as a member for the county of Middlesex (Jan. 27) and being called in to the Bar, he stood up, and said,

Mr. SPEAKER,

HA V I N G the honour of being elected one of the Knights of the Shire for the county of Middlesex, I submit to the House, whether I ought not immediately, on this my first appearance in the House, to deliver in my qualification, and to take the oaths, according to the directions of the act of the thirty-third of the late King, to enforce, and render more effectual the laws relating to the qualification of members to sit in the House of Commons. I apprehend, Sir, that I ought not to continue here a moment till I have complied with the express injunctions of that act of parliament. I desire that it may be read.

When Mr. Wilkes had finished this speech, he was directed to withdraw; as were also the counsel on both sides, and the said act was read, when it was resolved, that his being in custody at the Bar, with his counsel, in order to support the allegations of his petition, without having taken the oaths, or delivered in his qualification at the table, was not any offence within the intent and meaning of any act of parliament made relative to the qualification of members to serve in parliament, and was therefore brought in to the Bar.

When

When the Speaker had acquainted Mr. Wilkes with the said resolution, he was again directed to withdraw, and the further hearing of this matter was adjourned to the Tuesday following.

January 31, Mr. Wilkes, according to order, was again brought to the Bar of the House of Commons, when he stood up, and said,

Mr. SPEAKER,

I Am sorry to be obliged by the regard I have to truth, and the vindication of my honour, to take notice in this public manner of an injury repeatedly done me by you, Sir, in the Votes of this House, published to the nation by your authority, and in your name. I find it is asserted three times in the Votes of last November, that there is a record of blasphemy against me. I am sure that no such record ever existed. The assertion is entirely void of truth. I am therefore necessitated to make my appeal to the House against you, Sir, for having charged me with being convicted of a crime, of which I am innocent, and spread an unjust accusation throughout the kingdom, under the sanction of the Speaker's authority. In the good old Speaker's time, when any mistake accidentally, and none ever but by accident then crept into the Votes, the error was not only always acknowledged with candour, but speedily rectified. The false charge against me in so unjustifiable a manner still remains on your Votes in full force. I feel it, Sir, as I ought; but I now hope a reparation of my injured honour, which I submit to the wisdom and justice of this House.

Mr. Wilkes, and the counsel on both sides were then directed to withdraw.

R r r

And

And it was ordered, that the entries in the Votes of the titles of the copies of the records presented to that Honourable House upon the 23d day of November last, should be so altered, as particularly to express, that the words, "for a libel" and for "blasphemy," which was contained in the said entries, were part of the titles indorsed by the officer who presented the said copies, and, of consequence, no part of the said records; nor intended to convey any opinion of the House concerning them.

Mr. Serjeant Leigh and Mr. Davenport were counsel for Mr. Wilkes in this matter, when Mr. Serjeant Leigh confined himself to two points, viz. the complaint against Lord Mansfield, and Mr. Webb; and first, as to the alteration of the records by Lord Mansfield. Informations were filed; one for a libel, the other for an obscene and impious libel. The records he said, were, *to the purport following*: and after plea, and the evening before the trial, application had been made to Lord Mansfield to alter it to **TENOR**; of this notice was given to Wilkes's Solicitor, who attended, and would not consent, when Lord Mansfield declared, that their consent was not necessary, and hereupon he made the alteration. The trial came on the next day, and the petitioner stated, that the records were materially altered; and, said the Serjeant, if it was not material, the alteration would not have been made. In order, therefore, to see whether material or not, he gave the legal import of the two words as follows:

TENOR signifies transcript.

PURPORT—general meaning.

He then added, it was therefore necessary, to set out the libel according to the **TENOR**, for, if *purport* had stood, it would have been a good objection in arrest of judgment, and mentioned a case of Lord Raymond; King against Bagard.

The

The Serjeant then proceeded, secondly, to the other part of the charge against Mr. Webb.

Mr. Webb, said he, was Solicitor of the Treasury, and managed these prosecutions in that character, and acted as such, and appeared as such, in his conversation with the witnesses. As to Curry, he was first seduced to take a copy of the *Essay* from Mr. Wilkes's house; and, it is a fact, Mr. Webb applied to him, and that Curry went to Mr. Webb's house, who provided bed, &c. for him and a guinea an half a week, paid him by Webb's order.

It is also well known, that Mr. Webb told him what he should say upon the trial; that he was to give a receipt, and to say, that he borrowed the money on the trial.

That Mr. Webb declared to Curry he should be amply provided for, and that he employed him to compromise the other verdicts, and directed him what he should say.

And, said Mr. Leigh, these transactions can only be discovered by accomplices: for Philip Carteret Webb, Esq. had wrote a letter to Hassel, wherein he said, — Do so, — meaning by way of justification of Curry, and *that you all concur in one story.*

Serjeant Leigh concluded with saying, it could not be expected that he should trace this money to Mr. Webb, as he was Solicitor to the Treasury, and always appeared as such in his dealing with these men.

Mr. Davenport, the other council for Mr. Wilkes, spoke much to the same effect, declaring the alteration of the records, as a question of great importance, and striking to the root of the justice of the nation; that it was contrary to common sense, and therefore could not be law.

Mr. Davenport then asked, What might be the source of this omnipotent practice? For, said he, many things pass in the dark that will not bear the light; and practice will justify general warrants; &c. &c.

As

As to the second part against Mr. Webb, he insisted only on the heinousness of the offence.

Mr. Barlow was then called, to prove the alteration of the record as stated *, and to know whether he made application to Lord Mansfield for amendment of the record? To which Mr. Barlow answered, that he did make application on the 18th of February, 1764, on a Saturday; and

Middlesex.

In the KING's BENCH

THE KING

against

JOHN WILKES, Esq.

FRANCIS BARLOW, of the Crown-office, in the Temple, and William Hughes, of the same place, severally make oath; and first the deponent Barlow for himself saith, that on the 18th day of February last, he received directions from Mr. Wallace or Mr. Webb, to apply to a judge to get the information against the defendant amended, by striking out the word PURPORT, and inserting in its stead the word TENOR; that he this deponent did accordingly apply to the Right Hon. Lord Mansfield, and obtained a summons to shew cause why it should not be amended; a copy whereof is hereunto annexed: and this deponent, immediately after he had obtained the same, sent two copies thereof, viz. one to the other deponent, Hughes, who was clerk in court for the defendant, and the other copy to Mr. Phillips, Solicitor for the said defendant; and this deponent was informed, and does believe, that such copies were left that night at their respective houses; and this deponent Barlow further says, that in consequence thereof he this deponent, on Monday the 20th day of the same month of February in the morning, attended Lord Mansfield at his house, and there met the other deponents, Hughes, and Phillips; and this deponent remembers, that Lord Mansfield asked them what objections they had to such amendment, and that they or one of them made answer, that they could not consent; and this deponent remembers, that Lord Mansfield said he did not ask them their consent, but wanted to know what their objections were, and asked them if it was not usual or the common practice to amend informations,

and said that he obtained two summonses † to shew cause;
that he served them on Mr. Phillips on the Saturday night;

S f f

that

informations, or to that or the like effect, and that Lord Mansfield mentioned or read from a book or manuscript, which his Lordship had in his hand, several cases of amendments; and that afterwards his Lordship made an order to amend the information in this cause, a copy of which order is hereunto annexed; and this deponent, Hughes, for himself saith, that he remembers to have been served with a copy of such summons, and that he attended Lord Mansfield when such order was made as above set forth; and accordingly, to the best of his remembrance and belief, what is above deposed by the other deponent, Barlow, is true.

Sworn by the deponent,

Francis Barlow, the 22d
of January,, 1765, at
my Chambers in Ser-
jeant's-inn.

FRANCIS BARLOW.

WILLIAM HUGHES.

Before me, E. WILMOT.

Sworn by the deponent, William
Hughes, in the King's-bench
Treasury-chamber, Westmin-
ster-hall, the 23d day of Ja-
nuary, 1765.

E. WILMOT.

† Middlesex,

The King
against
John Wilkes, Esq.

On an information for
publishing a Libel, in-
titled the North Briton.

Let the defendant's clerk in court, agent, attorney,
or solicitor, attend me at my house in Blooms-
bury-square, on Monday, the 20th day of Fe-
bruary instant, at eight o'clock in the morning,
to shew cause why the information in this cause
should not be amended by striking out the word
"PURPORT" in the several places where
it is mentioned in the said information (except
in the first place) and inserting instead thereof,
the word "TENOR."

Dated this 18th day of February, 1764.

MANSFIELD.

that on Monday morning he attended, with Mr. Hughes and Mr. Phillips. Mr. Barlow said, that Lord Mansfield asked the clerk in court, what their objections were to such an amendment? To which Phillips said, he could not consent; that then Lord Mansfield said, he did not want their consent, only he wanted to know what objection they had to it.

Mr. Barlow then declared, that the amendment was made by striking out PURPORT and inserting TENOR *, and that this amendment occurred more than once, and that the alteration was made in every place, except the first.

The

* Middlesex,
The King
against
John Wilkes, Esq.
On an information for
publishing a Libel, in-
titled the North Briton.

Upon hearing the clerks in court on both sides, I do order that the information in this cause be amended, by striking out the word "PURPORT" in the several places where it is mentioned in the said information (except in the first place) and by inserting instead thereof, the word "TENOR."

Dated this 20th day of February, 1764.

MANSFIELD.

The same alteration was made in the cause respecting the *Essay on Woman*. This alteration seems trifling in appearance, but is in reality of the utmost importance. It totally changed the nature of the defence. If the word PURPORT had remained, upon which Mr. Wilkes's council were prepared to argue, scarcely any two men could have been found, who would have agreed in a verdict finding him guilty to the PURPORT, or effect charged in the information; but by the alteration to the word TENOR, the PURPORT was not in question; and the defence was changed into a critical comparison of the words, letters, and figures in the papers published with those in the information filed, for which no time was allowed. The causes were tried the very next morning, so that Mr. Wilkes's council were deprived of making the defence, for which they were prepared, and forced upon a defence, which they had neither time to consider, nor reason to apprehend. Mr. Wilkes himself was at that time in another kingdom, very dangerously ill.

The following letter from Philip Carteret Webb, Esq. to Mr. Hassall, was afterwards produced in the House, and proved to be his own hand-writing.

Mr. H A S S A L L,

BEFORE Mr. Curry goes, desire him to put down in writing what passed between him, Mr. Faden, and you; and between him, and Churchill, and Carugie; and what Churchill said of Murphey previous to the giving up the papers; and to state the particular slights, ill-usage, and affronts, he received from Wilkes before and after his going to France; and what passed on the d—d up the papers---I mean by way of justification of Mr. Curry, and that you may all concur in one story. Let Mr. Faden leave directions where he may be sent to on his tour, if wanted. Besides the search during the first fifteen days in May last, please to search the latter end of May to the 5th of June, 1762, for the advertisement on the publication of the N. B.

Saturday Morn. P. C. Webb.

After the producing of the above letter, Michael Curry was called in, when Serjeant Lee proceeded to examine him, in order to prove that after he had got the copy of the Essay on Woman, he was carried the same evening to Mr. Webb's house, when he was promised that he should be provided for, both with respect to board and lodging; and that Mr. Webb should say, that government would take care of him, if he would give evidence on the trial.

Question, to Michael Curry, Did you, in 1763, live with Mr. Wilkes, and in what capacity?

I lived

I lived with him as a compositor.

Had you any directions about a copy of the Essay on Woman?

He answered, Yes.

What directions had you?

I had orders to print twelve, and to deliver them to Mr. Wilkes, though I did, I believe, thirteen.

Did you give a copy to any person?

Yes, I gave one to Mr. Faden.

Who was he?

A Printer in Fleet-street.

How came you to do so?

Mr. Curry said, that there were a few pages got into the hands of another journeyman, and that they were shewed to one Palmer, and Palmer shewed them to Faden, Faden to Kidgell, and Kidgell to a noble Lord, whom he afterwards understood to be Lord March. After this, Palmer applied to him to see it; and, from a principle of curiosity, he would have let him seen it, but a woman was in the room; he therefore proposed to meet him and shew it another time. But, in the interim, he suspected something, and, on that account, did not bring the copy with him. He (Palmer) then offered him two guineas, when Curry asked him the reason, saying, "Why would you give me two guineas, when it is not worth six shillings?" They then parted, and Curry advised him to call on Sunday morning; when he told him he had burnt the copy.

After this, Curry was applied to by Hassal, who was an overseer to Faden, who told him, Faden would be glad to see him. He accordingly met Faden, who said, he had seen the pages, and that they were done at one house, and desired a copy. Curry pretended ignorance, as a friend had advised him to be cautious in the affair. Faden a second time desired the copy, and said he would make it worth his while

while, and he might claim any sum as a security that the copy should be returned. Upon this, Curry went another evening, and had a friend with him, when the same offers were strongly repeated by Faden, with this plea, that it was to serve some people, who would make it worth his while. They then broke up, without any determination; though Curry had many offers afterwards. About this time there was a clamour, from both parties, that he would be prosecuted for felony about the *Essay*; Curry then made application to Churchill, who gave a short answer, and said, as to what the people in power could do they might be damned. However, he said he would write to Mr. Wilkes.

When Mr. Wilkes returned from Paris, Curry applied to see him, but was refused; and the report gaining ground that he would be prosecuted for felony, he went to Faden, and in a passion, surrendered it to him; on which, he gave him five guineas as a security to return it.

As soon as Curry had surrendered the *Essay*, Faden asked him if he would go to Mr. Webb? Curry agreed, and Faden and he went in the evening, where Mr. Kidgell was, and a Solicitor, who lived in Wallbrook. Very little, said Curry, passed then, except that Mr. Webb told him, he should dread nothing. They supped there; and Faden was ordered to take Curry out of town, either then, or, in a day or two; who accordingly went to Hounslow, and returned the 15th of November, 1763.

A question was then asked Curry, what conversation passed between Webb and him, about his evidence before the House of Lords?

He said, Nothing, except, that he should not be afraid; that he would take care of him; and added, that he had lived in Mr. Webb's house for a week together; that he was confined there; and that they would not let him go out.

He was then asked, if he had received any pay, either from Mr. Webb, or from any other person? To which he answered, that he had told Mr. Webb his circumstances, who said, we will see Lord Sandwich. They then went there, and at the bottom of the stairs, when they came down, Webb said, "Go to Carrington."

When Curry went to Carrington, he asked him what money he wanted? Curry answered, about a guinea and a half per week; and this sum he received for some time, the 21st of June, 1764, being the last payment, the first commencing the Tuesday after the parliament met in 1763.

Curry was then asked, how many copies of the *Essay on Woman* were delivered to Mr. Wilkes.

He said, twelve, or thirteen; though they printed more than that number, as it was usual to print a copy for themselves.

He was asked, how many more he printed, than was directed.

He first said two; afterwards four; besides some loose ones, perhaps ten, for, as they were printed in red, that colour would not take so well as black, and therefore they spoiled more sheets.

He was asked, whether it was usual to print so many more than were ordered? And whether customary to keep so many copies?

In the country, he said, sometimes they did.

Mr. Wilkes being present, asked him, Whether he did not give him express orders not to show any part of it to any person? And whether he did not charge him to deliver those twelve into his own hands?

To which Curry said, he did.

The *Question* being put, what induced him to keep the copies? Curry declined to answer it.

It was next asked, if Curry gave receipts for these several sums of money? To which he said, — That he had given receipts for all; though Carrington often pretended that he had lost the receipts, and thereupon he was obliged to write others.

— What did Curry understand by being protected, when Mr. Webb promised him his protection? — He answered, that he thought to have had a place under the government, or, at least, that he should have been taken care of.

— What conversation passed, while he was with Webb, at Lord Sandwich's? And, whether during their talk, he understood that some provision was to have been made for him? Curry answered, that his Lordship informed him he might depend on any thing in his power, or in his department; and from this reply he understood he should have been provided for.

— What could induce Curry to make an affidavit? — He said, that whilst he was publishing a narrative in the city of Norwich, where he lived, he received a letter from town, which said, that if he would publish the heads of the case, it would answer very well to him; and that it was for this purpose only that he made it.

On his being asked, what gentleman it was who advised him to make it, the question was objected to; but being again repeated, (after Mr. Wilkes and the council had withdrawn) Curry said he was advised by Mr. Manning, and Mr. Eggleston, two Printers; that Mr. Wilkes had asked him if he would swear to it; but that no reward or gratuity of any kind had been offered or given.

No farther questions being proposed, Curry was ordered to withdraw.

Lord SANDWICH being then brought in by the Serjeants and mace, sat in the chair with his hat on, inside the

bar,

bar, when it was asked, whether he knew of a promise of a place, or money, or other provision made by Webb, for Curry to become a witness on the trial on the information on the Essay on woman? To which his Lordship answered, that he had no knowledge of any thing of that kind.

— Whether Webb ever informed his Lordship that such promise had been made? He said, Never.

— Whether Curry did not come to his Lordship's house on that account? His Lordship said, that he came after he had given evidence at the Lords; that he complained of poverty, and wanted a promise from him, telling his Lordship, he had done a good act; to which he answered, he thought he had. Curry added, and said, that he had been neglected, and hoped that something would be done. His Lordship replied, he hoped *merit* would be rewarded, and wished that something might be done. Curry desired money; but his Lordship said, it was out of his department, and he had nothing to do with it.

Did Webb ever ask your Lordship for an employ for him?

He said, Never; adding, that he had nothing to give that Curry was fit for.

It was then asked, what Curry's errand was at his Lordship's house? His reply was, that Curry wanted money, which he refused to give him. His Lordship then withdrew.

The Earl of MARCH being next called, and a chair being placed in the inside of the Bar, he sat down with his hat on, &c. when the *Question* was put,

— Whether his Lordship had any conversation with Kidgell about the Essay on Woman? His Lordship answered, that he did come to him: and being asked whether Webb

was

was present, said, that he did not know him by sight; and that he had never seen him till within ten days, as he remembered.

Mr. Wilkes being at the Bar, asked his Lordship, what passed between him and Mr. Kidgell? to which his Lordship said, that he was ready to answer that question, if the House pleased to propose it; but the House not thinking it material, his Lordship withdrew; as did also Mr. Wilkes, and his council.

Nathan Carrington being next called, the *Question* was asked, whether he had paid any, and what sum, to Michael Curry, and on what account, and by whose orders, particularly, in the months of October or November, 1763? Mr. Carrington replied, that he did not remember paying any in October; but that in November he recollected that Curry came to him, and applied for some subsistence-money; that he said he was poor, had applied to the trade as a printer, and could not get no work. Mr. Carrington said, that then he asked Curry, why he came to him? Curry made answer, and said, that Mr. Webb had told him to make the application. Mr. Carrington, after asking what he expected, and Curry telling him that Mr. Wilkes used to give him his diet and a guinea per week, and after some discourse, agreed to give him a guinea and a half per week, and accordingly then paid him subsistence for one week, telling him, if he had farther orders to go on with it, he should have the same. Mr. Carrington said, that Curry did come again, and that he paid him after the above rate for about thirty weeks, for which he had all the receipts.

Mr. Carrington was asked, if he gave him any more, he said, he never did; and that he acquainted Mr. Webb

the first week, with what he had done, and Webb thought it proper to give him that sum weekly, as he (Curry) was special poor. Nothing but common discourse passed between Webb and Carrington at that time. It was then asked, whether Webb assigned the reason when he took the receipt? This was answered in the affirmative; and the reason which Mr. Carrington gave, was, that otherwise he would not have been allowed it again; but, as it stood, he intended to have charged it in his quarterly bill, and to have passed it with one of the clerks of the Cheque, blending it with other things. Mr. Carrington being asked, from whom he received this, answered, that the clerk of the Cheque passes it, and, after him, the Secretary of state; that then it remained for him to sign it, and that intitled him to receive it from the King's Treasury-chamber.

Mr. Carrington informed the House, that this money had always been blended together, among many other articles, and was entered by him in the account, in the proper and usual manner. How then, it was asked, could the clerk of the Cheque go through a blended account? Because, said he, it consisted of items. What, then, was the item? To whom was it paid? And for what? *The account*, said Carrington, *is in the Auditor's office*. He was again asked, from whom he received this money? He said, that he either had it from the Treasurer of the Treasury-chamber, or his deputy, or his clerk.

— Was it public money? He did not know.

— What did he think? He could not tell; but it *was* public money in that office.

— What hand did he receive it from? He could not recollect.

— Was it from the Treasurer? No; *he never received any money from the Treasurer in his life*; but there was a deputy and clerk.

— Was

— Was he present with Webb and Curry? Never alone; there was more company. And being asked who they were? Replied, *a great many, whom either he did not know, could not recollect, or bear talk in conversation.*

Mr. Carrington was then cross examined,

And asked whether it was not the course of government to allow witnesses subsistence. Carrington said, that it always had been so, and if it was not so, he did not know what government would be. The *House* then asked him, if he had often made such accounts? Yes, he said, very often.

— In what terms did you make these accounts? He made them in items; as sometimes large sums contained a great number of *items*; sometimes in particulars, so many witnesses, such and such by name.

It was then asked of Mr. Carrington, if he had orders from Mr. Webb, to pay this money to Curry any time after the first? To which he said, that he always gave an account of it to the Secretary of State's office, and that there it met with approbation. But the question being again repeated, Mr. Carrington said, that he did receive orders from Mr. Webb.

— Were any of the thirty weeks (the time of Curry's being in pay) subsequent to Mr. Wilkes's trial? Mr. Carrington *thought* they were; and that the subsistence money ceased when he received his verdict money. Being asked, whether it was usual to pay the witnesses after the trial was over? He answered, that *indulgence* was shewn according to the circumstance as they had behaved.

— What office do you bear? A messenger, said Carrington, till disabled.

— Did

— Did you act as messenger here? He did, he said, and forty years before.

— Then, from your practice, *is it customary for the King's messengers to issue money to the King's witnesses?* He replied, that it was *always* the custom.

— Was you the judge, or, did you receive your direction from somebody else? He answered, from somebody else, but, generally from the Solicitor of the Treasury, or in consequence of a note from the Secretary of State; but in this case Mr. Webb brought him no note from the Secretary of State; only *talked* about it; and said, Curry, he thought should be subsisted.

— Can you produce a written voucher to the clerk of the cheque, of a written authority? Mr. Carrington confessed that *Mr. Webb gave him an authority under his own hand*: and being further asked, if this was done in the common ordinary course of business, he answered, it was the direct way, and he never knew any other.

Mr. Carrington then withdrew.

Samuel Jennings, a Printer, being called in, was asked, whether he was with Webb and Curry together; but answering in the negative, immediately withdrew.

William Faden, next called in, was asked, whether he obtained the Essay on Woman from Michael Curry? To which Mr. Faden answered, that he did.

— Did you go to Webb with Curry? He said, that a coach was brought to his house, that he went to Webb's with Curry; at whose house he met Kidgell, and there was none else there then.

— What

—What conversation passed, as to the evidence? He could not remember: he staid there an hour and an half; and whether Curry came with him he could not say.

—What, do you mean to say there was no conversation about evidence? He did not remember; he could not recollect that there was.

—Do you remember going out of town? Yes; he remembers that; and that it was on the Saturday before the House sat, in 1763; and he also remembers that he came to town on the Tuesday morning.

—The *Question*, Did you receive a copy of the Essay on Woman from Michael Curry? was repeated. Yes; he remembers that too! and that he deposited five guineas to return it! that he never received a farthing from government in his life! that Mr. Kidgell had it at his house! and that he had never any thing to do with any Lord or Gentleman in the administration!!!

Mr. Haffel being called, said, that he had wrote a little detail of what he transacted in the affair; and that he sent it to Mr. Webb; but does not remember any circumstance that ever passed between Webb and Curry. He then withdrew, and the letter from Haffal to Webb was read, when the evidence closed on the part of the petitioner.

Mr. Serjeant Leigh then declared, that in this state of the case, he would not trouble the House to sum up, but should reserve himself for reply.

Then Mr. Wilkes, and the council on both sides, were directed to withdraw.

The House did not break up till past two o'clock in the morning; when they appointed the hearing of the matter of so much of the petition of John Wilkes, Esq.

as that House had directed should be heard, and of the proceedings on several informations in the court of King's-Bench against the said Mr. Wilkes; and also the hearing of Philip Carteret Webb, Esq. by himself or his council, should be adjourned till twelve o'clock the same day.

Mr. Wilkes was again ordered into the custody of the Marshal of the King's Bench prison. The lobby of the House of Commons was extremely crowded with people, waiting the decision of so important a point, who, when the House broke up, attended Mr. Wilkes with loud acclamations of joy to the King's-Bench, in full expectation of his cause being determined in his favour in the course of the ensuing day.

The hearing of the matter of the charge against Mr. Wilkes for being the author and publisher of the introduction of the copy of a letter, addressed to Daniel Ponton, Esq. Chairman of the Quarter-Sessions at Lambeth*, and dated St. James's, inserted in the St. James's Chronicle of December 8, 1768, was appointed the same day at twelve o'clock; for which, and the further hearing of the petition, Mr. Wilkes was ordered to be brought in custody to the bar of the House that day at twelve o'clock, copies of the said orders being sent to him accordingly.

It was ordered likewise, that Henry Baldwin, the printer of the St. James's Chronicle, and John Swan, news-collector, should attend the House at the above time.

But before we enter upon this day's examination, it may not be judged improper to introduce, here, the case of Mr. Wilkes, as submitted to the consideration of the House of Lords, with their reasons and determination thereupon, which are as follow :

JOHN

* See this letter in page 230. Part I.

JOHN WILKES, Esq. Plaintiff in Error,

A N D

Our Sovereign Lord the KING, Defendant.

Upon two judgments in the court of King's-Bench, on two informations for libels, viz. One information for publishing a libel, intituled, The NORTH BRITON, No. 45; and the other for publishing a libel, intituled, An ESSAY on WOMAN.

The Case of the Plaintiff in Error.

Hilary Term, 3 GEORGE III.

SIR Fletcher Norton, Kt. then Solicitor-General of his present Majesty, did, by virtue of such his office, exhibit the aforesaid informations against the said John Wilkes, in the court of King's-Bench, for publishing the compositions, or libels, in those informations mentioned, as containing matters to the PURPORT and effect, in the said informations respectively specified — to which information the said John Wilkes pleaded Not Guilty, and issues were thereupon joined.

The records of *Nisi prius*, transcribed from the Court Rolls, were sent under the seal of the court, to the Right Hon. William Lord Mansfield, his Majesty's Chief Justice of the said court, assigned to try those issues, and afterwards and before the trial, both the records were altered and amended, by charging the said compositions, or libels, to contain matters to the TENOR and effect, in the same informations respectively specified, instead of PURPORT and effect.

The

The said John Wilkes did not plead, nor was called upon to plead *de nouo*, and the trials were had upon the records so altered and amended, and the said John Wilkes upon his defence at the said trials, was convicted. He was afterwards outlawed upon such convictions, but both the outlawries have been since reversed for error. On Wednesday the 27th day of April last, the said John Wilkes, upon the writ of *Capias Utlagatum*, was committed from the custody of the Sheriff of Middlesex, who apprehended him, to the Marshal of the King's Bench, and remained in his custody in the King's Bench prison, from that time until the 18th day of June in

Trinity Term, 8 GEORGE III.

When the court of King's Bench pronounced the following judgment upon him, upon the information for publishing the NORTH BRITON, and the verdict thereon, viz.

That the said John Wilkes, for his offence, do pay a fine to our Sovereign Lord the King, of 500 l. of lawful money of Great Britain, and that he be imprisoned in the custody of the aforesaid Marshal for the space of ten calendar months then next ensuing; and the said John Wilkes, present here in court, is committed by the court here, to the custody of the aforesaid Marshal, to be by him kept in safe custody, in execution of the judgment aforesaid, and until he shall have paid the said fine.

And the court on the same day, immediately afterwards, pronounced against the said John Wilkes the following judgment upon the other information, and the verdict thereon, viz.

"The said John Wilkes having been convicted of certain other trespasses, contempts, and misdemeanors, for printing and publishing a certain other libel, intitled, The NORTH BRITON, No. XLV, for which the said John Wilkes hath this day been sentenced, and
ordered,

"ordered by the court here to pay a fine to our Sovereign
 "Lord the King of 500 l. and to be imprisoned in the
 "custody of the aforesaid Marshal for the space of ten
 "calendar months. It is considered by the court here,
 "that the said John Wilkes, for his trespasses, contempts,
 "and misdemeanors, in printing and publishing the said
 "obscene and impious libel, intituled, *An Essay on Woman*,
 "and other impious libels in the aforesaid information
 "specified, whereof he is impeached and convicted, do pay
 "a FURTHER FINE to our Sovereign Lord the King of
 "500 l. of lawful money of Great Britain, and that the
 "said John Wilkes be further imprisoned, in the custody
 "of the said Marshal, for the space of twelve calendar
 "months, to be computed from and after the DETER-
 "MINATION of his aforesaid imprisonment, for printing
 "and publishing the said other libel, intituled, *The NORTH*
 "*BRITON*, No. XLV. And it is further considered by
 "the court here, that the said John Wilkes do give security
 "for his good behaviour, for the space of SEVEN YEARS,
 "to be computed from and after the end and expiration of
 "the said twelve calendar months, to be computed as
 "aforesaid; to wit, himself, the said John Wilkes, in the
 "sum of 1000 l. with two sufficient sureties, in 500 l.
 "each; and the said John Wilkes, present here in court,
 "is committed by the court here, to the custody of the
 "said Marshal, to be by him kept in safe custody, in
 "execution of the judgment given by the court here, and
 "until he shall have paid the said fine, and given such
 "security as aforesaid."

The plaintiff in error hath brought two writs of error in
 parliament, in order to reverse the judgments given by the
 court of King's Bench, and hath assigned for error, in both
 these judgments, that there was a variance between the
 records and the original informations filed against him, in

this, that the original informations charged him with having published the several libels aforesaid, as containing matters to the PURPORT and effect, in those informations specified: whereas in the records he is charged with having published the same libels, as containing matters to the TENOR and effect, in the same informations specified.

And thereupon he prayed two writs of *Certiorari*, which was granted. And by the return thereto it appears, that the original informations aforesaid are sent to our Sovereign Lord the King in this present parliament, as fully and intirely as the same are filed, entered, and remain in the custody of the said Lord Chief Justice of the court of King's Bench; and thereby it also appears, that the said records, and the same original informations, are consistent, and that there is no variance between them: wherefore on the part of the plaintiff in error, it is apprehended that he is concluded from making any objection, with respect to the propriety of the aforesaid amendments and trials, under the above circumstances, that being a question proper to be agitated in the court of King's Bench only, which has decided upon it, and not the subject matter of a writ of errors.

THE FIRST ERROR

is assigned by the plaintiff in error, as decisive upon both the judgments, viz. That it does not appear by the said records, that the said Sir Fletcher Norton, Knt. by whom the said informations against the said John Wilkes were exhibited, had any lawful power, warrant, or authority, according to the law of the land, to exhibit the said informations in the records aforesaid specified; and therefore, that the said informations are not sufficient informations in law, whereon to convict the said John Wilkes of the offences

offences in and by the same informations charged upon him, and to ground the aforesaid judgments against him.

Whereupon the plaintiff in error humbly hopes, that the judgments of the court of King's Bench will be deemed erroneous, and will be reversed for the following (among other)

R E A S O N S.

I. Because the said informations are exhibited and filed by the said Sir Fletcher Norton, as his Majesty's Solicitor General, *ex officio*, when, by virtue of such his office, he had no general authority so to do.

II. Because it does not appear, that he had any special authority so to do.

Much doubt has been formerly entertained, by those who were most eminently distinguished for their knowledge of the criminal laws of this country, whether any criminal informations were lawful. The constructions of *Magna Charta*, cap. 29. some ancient statutes, and books of the law, declare and agree, That no man can be charged by INDICTMENT or PRESENTMENT.—In the case of the King and *Birchett* and others, 1 & 2 *William and Mary*, reported in 5th Mod. 463, and there called *Prynné's case*, Sir Francis Winnington averred, that Lord Chief Justice Hale had often said, "That if ever informations came in dispute, they could not stand, but must necessarily fall to the ground."—It is admitted, however, that the court of King's Bench in that case held, that informations lay at common law.

The present question therefore will be, Who are THE OFFICERS known to the law, and described in the law-books, as the persons with whom ONLY this right of exhibiting

exhibiting informations *ex officio* rested. — It may be clearly collected, from the authority of the legislature, and the law books, that THESE officers were only the KING'S ATTORNEY-GENERAL, and the KING'S CORONER, to which latter is always added in such cases, the title of ATTORNEY also. — No act of parliament, no law book, mentions any other officer, as having this power in any case, or under any circumstances. — From the King's Coroner this power was taken away, by the statute 4 and 5 *William and Mary*, cap. 18, and was then left in the Attorney-General only. — Serjeant Hawkins, in his second volume of *Pleas of the Crown*, fol. 268, observing upon that statute's taking away this power from the King's Coroner and Attorney only, says, from whence it follows, that informations exhibited by the ATTORNEY-GENERAL remain as they were at common law.

Such informations can only be exhibited in the court of King's-Bench, of which court the King's Attorney-General and the King's Coroner and Attorney, commonly called the Master of the Crown-Office, are OFFICERS upon RECORD, and have their known seats and places there as such.

Sir Bartholomew Shower, in his Reports, fol. 114, in the same case above mentioned, in 5 *Mod.* argues and observes, upon the statute 31st of *Elizabeth*, cap. 5. and its proviso in sec. 3. providing, "That that act shall not extend to any such OFFICERS OF RECORD as have, in respect of their offices, theretofore lawfully used to exhibit informations," that it is the judgment of parliament, that there were officers to exhibit them, and those that are meant, must be the ATTORNEY and his deputy the CORONER, for I know, says he, or NO OTHER. — It may be thought

that

that Sir Bartholomew Shower is inaccurate in calling the Coroner, Deputy to the Attorney, because the Coroner has a superior seat in the court of King's-Bench to the Attorney.—But Sir Bartholomew Shower must be understood to speak of the Coroner, as Deputy only in this instance, he not having equal power with the Attorney over the information when exhibited; for the Coroner cannot put a stop to it, even though he should have the King's warrant under his Sign Manual for the purpose; and yet the Attorney General can, by virtue of his office, stop it at once by a *Noli Prosequi*, which appears by the case of the King v. Benson, 1 Vent. 33. Sir Bartholomew Shower, fol. 120, says further, That in case of malicious prosecution, no action lies against the Attorney or Coroner, any more than against a Grand Juror or Prosecutor; and the reason given for it is, because they are upon their oaths, and so, says he, they (meaning the ATTORNEY AND CORONER) are here as officers upon RECORD—and fol. 122, he says, the way of appropriating the court is, by *Dedit Curia hic Intelligi & Informari*, before any process which is done by a SWORN OFFICER—FILED OF RECORD.

If it be contended, that during the vacancy of the office of Attorney General, his authority in this respect devolves upon the Solicitor General, it is answered, That no law book, or judicial determination, warrant that argument.—It is admitted, that there are some modern instances in the Rolls of the Crown-office, of informations filed by the Solicitor General *ex Officio*, some of which describe the vacancy of the office of Attorney General, as if that was the circumstance, from which the Solicitor General derived his authority, and raised to himself this power.—But as the

others are silent about such vacancy, they must prove a general original authority, or nothing; because if a special authority is to give the title, it must, by the rules of law, be set forth in the Record, for nothing out of the Record can warrant the judgment UPON the RECORD — There does not appear to be one instance of a litigation, or judicial opinion, concerning such informations filed by the Solicitor General.

It appears upon the Records, that the Attorney General became the prosecutor of the present informations, before the judgments were given. But no adoption afterwards, by the Attorney General, of these illegitimate offspring can sanctify their birth. — If the informations were bad when they were filed, no subsequent act whatsoever could make them good.

Wherefore, as the legislature have not substituted, nor meant to substitute, the Solicitor General, or any other person or persons, in the room of the Coroner, from whom they took this power, or in the place of the Attorney General during the vacancy of that office, as it was always in the power of the King to supply that vacancy at any moment he pleased; as the legislature have left the Attorney General, the only known officer in law, authorised to exhibit criminal informations *ex Officio*; as the Solicitor General is no sworn officer of the court of King's-Bench, either filed of Record, or otherwise; as all the law books are consistently silent, about any power lodged in him for such purpose; as this power has of late time only been usurped by the Solicitor General in some modern instances, and those too varying in their form, as if he did not know on what ground he claimed or exercised the power; and as he appears to have had no warrant, or authority whatsoever, to act in this instance, as Attorney

Attorney for the Crown, it is humbly submitted by the plaintiff in error, that the informations in question were filed without any lawful authority, and for that reason are fundamentally bad, and void, so as not to warrant any judgments upon them against the plaintiff in error.

The plaintiff in error therefore humbly hopes, that for these and other reasons to be offered at the hearing, the said judgment shall be reversed.

The S E C O N D E R R O R

is assigned by the plaintiff in error, as affecting only part of the judgment given by the court of King's-Bench, upon the information for publishing the libel, intituled, An ESSAY on WOMAN, viz. that by that judgment, he is sentenced to be imprisoned for the space of twelve months, to commence at a future time after the giving that judgment.—

Whereas, by the law of the land, such imprisonment ought to commence, at and from the time of giving the judgment, and not at any future time.

Whereupon the plaintiff in error humbly hopes, that that judgment, as to the commencement of the imprisonment, will be deemed erroneous, and will be reversed for the following (among other)

R E A S O N S.

All judgments in law, as they affect either the property or the persons of those against whom they are given, ought to contain in them the clearest and most precise certainty, and to take immediate effect; but more especially, such judgments as lay a restraint upon the liberty of the persons of his Majesty's subjects.

The present judgment is deficient in both these points.

I. It

I. It does not take immediate effect, but is to commence in future, viz. after the determination of another imprisonment, inflicted upon the plaintiff in error, by another judgment, given upon a different record, totally unconnected with this.

II. It does not contain any precise certainty — because it is uncertain when the first imprisonment will determine; upon the determination of which alone, the imprisonment under this judgment is to commence. If the judgment, sentencing him to the first imprisonment, should be found erroneous, it is not easy to say upon this record, whether all the first imprisonment, previous to the reversal of the judgment, is to be held for nothing, and the twelve months to be computed from the time of such reversal only, or from the commencement of the first imprisonment, all of which would be unlawful.

Who is to be the judge of this? Is it to be left to the discretion of the Marshal, how to settle the computation; or is the prisoner to go through another expensive litigation before the court of King's-Bench, by way of petition, or motion to be discharged?

If judgments could lawfully commence in future, they may as well commence at a long, as at a short date, and would be the instruments of great oppression; not by the immediate execution of present and certain punishments, but by holding suspended terrors over the heads of those who are the objects of them.

The plaintiff in error therefore humbly hopes, that for these, and other reasons to be offered at the hearing, this judgment shall be reversed, as to the commencement of the imprisonment, and that it shall be taken and adjudged to commence, at and from the time of pronouncing the judgment.

JOHN GLYNN.

THOMAS DAVENPORT.

In Error.

H O U S E O F L O R D S.

B E T W E E N

JOHN WILKES, Esq. Plaintiff in Error.

A N D

Our Sovereign Lord the KING, Defendant in Error.

On an information for printing and publishing a seditious libel, intituled, "The NORTH BRITON, No. XLV."

Michaelmas Term 1763.

SIR Fletcher Norton, Knight, his Majesty's then Solicitor General (the office of Attorney General being vacant), filed an information, *ex officio*, in his Majesty's court of King's-Bench, against John Wilkes, Esq. the plaintiff in error; which information states, that before the printing and publishing the seditious and scandalous libel therein after mentioned, to wit, on the 19th day of April,

in the third year of his present Majesty's reign, his Majesty did make and deliver a most gracious speech from his Throne, to the purport and effect therein set forth; and that the said John Wilkes, most audaciously, wickedly, and seditiously devising, and intending to vilify and traduce his Majesty, and his government of this realm; to impeach and disparage his veracity and honour; and to reprelent, and cause it to be believed, amongst his Majesty's subjects, that his said most gracious speech contained falsties, and gross impositions upon the public; and that his Majesty had suffered the honour of his Crown to be sunk, debased, and prostituted, and had given his name, as a sanction to the most odious measures of government; and also, most wickedly, unlawfully, and seditiously devising, intending, and endeavouring, as far as in him the said John Wilkes lay, to excite disobedience and insurrections amongst the subjects of this realm, and to violate and disturb the public tranquillity, good order, and peace of this kingdom; after the making and delivery of the aforesaid speech (that is to say) on the 2d day of August, in the said third year of the reign of our said Lord the King, unlawfully, wickedly, seditiously, and maliciously published, and caused to be printed and published, a certain malignant, seditious, and scandalous book and libel, intituled "The NORTH BRITON," in one part whereof, intituled, No. XLV. Saturday April 23d, 1763, were then and there contained (amongst other things) divers malicious, seditious, and scandalous matters, to the effect in the said information set forth.

There is a second count in the information, charging that the aforesaid John Wilkes again most audaciously, wickedly, and seditiously devising, intending, and endeavouring to vilify and traduce his Majesty, and his government of this realm; to impeach, disparage, and defame his

his veracity and honour; and to represent, and cause it to be generally believed, amongst the subjects of this realm, that his Majesty had suffered the honour of his Crown to be sunk and debased, and had prostituted his name, in order to give a sanction to the most odious measures, and to the most unjustifiable declarations from his Throne: and also most wickedly and seditiously devising and intending to excite amongst the subjects of this realm, a general discontent and disaffection to his Majesty's government, and a spirit of disobedience to the laws of this realm, and maliciously to violate and disturb the public peace, good order, and tranquility of this kingdom; after the making and delivery of the aforesaid speech (that is to say) on the 2d day of August aforesaid, unlawfully, wickedly, and seditiously published, and caused to be printed and published, a certain other malicious, seditious, and scandalous libel intituled, No. XLV. Saturday April 23, 1763; in which said last mentioned libel were contained, concerning his Majesty, and his aforesaid most gracious speech, divers other malicious, seditious, and scandalous matters, to the effect in the said information set forth.

At the Hilary Term following, Mr. Wilkes pleaded to the information, Not Guilty; and Sir Fletcher Norton, then being his Majesty's Attorney General, joined issue in that character for his Majesty.

At the sittings after the same Term, the cause was tried by a special jury of the county of Middlesex, when Mr. Wilkes, after a full and fair trial, was convicted of the offences charged in the information.

Mr. Wilkes having withdrawn himself into parts beyond the Seas, proceedings to outlawry were had against him, upon the above-mentioned conviction; and,

On the 1st of November, 1764, Mr. Wilkes was outlawed; and

In

In Easter Term, 1768, he was apprehended by the Sheriff of Middlesex, by virtue of a writ of *Capias ut legatum*, and being brought into the court of King's-Bench, was committed to the custody of the Marshal of that court.

The same Term, Mr. Wilkes obtained a writ of error upon the outlawry, and having assigned errors thereon, the same were argued in that and the following Term.

Trinity Term following, the court of King's-Bench were pleased to reverse the outlawry for a defect of form in the return of the Sheriff to the writ of exigent.

Mr. Wilkes's council having furnished to the court some matters, which, if available, ought to have been moved in arrest of judgment, and for a new trial, the court relaxed their general rule, requiring such applications to be made within the first four days of the Term immediately following the conviction, and indulged Mr. Wilkes with leave to move now, as well in arrest of judgment, as for a new trial.

The ground of the motion in arrest of judgment, was to the information having been exhibited by the Solicitor General; and it was argued by the council for Mr. Wilkes, that the Solicitor General was not the proper officer, nor had any authority, to exhibit an information; and if he was vested with such authority, it could only be temporary, during the vacancy of the office of Attorney General, and it did not appear by the proceedings, that the office of Attorney General was at that time vacant.

The application for a new trial was founded upon an objection to an order made by the Lord Chief Justice of the court of King's-Bench, for amending the information after issue had been joined, and the record of the issue made up.

The court, after argument by council, unanimously over-ruled both the objections, and took time to consider of their judgment upon the conviction.

June 17, 1768, Mr. Wilkes being brought into court to receive judgment, was sentenced to pay a fine of 500 l. and to be imprisoned ten calendar months in the custody of the Marshal.

Mr. Wilkes hath brought a writ of error in parliament upon the judgment of the court of King's-Bench, and assigned the following matters for error:

I. That no judgment ought to have been given against him.

II. That it does not appear that Sir Fletcher Norton, by whom the information was exhibited, had any lawful power, warrant, or authority to exhibit the said information, and therefore the judgment is not sufficient in law to convict Mr. Wilkes, and to ground the aforesaid judgment against him.

III. That there is a variance between the record and the original information, consisting in this, that in the record Mr. Wilkes is charged with having published, and caused to be printed and published, the respective libels and compositions therein specified, as respectively containing (amongst other things) to the tenor and effect in the record in that behalf specified, whereas in the original information he is charged with having published, and caused to be printed and published, the respective libels and compositions therein specified; and respectively containing, amongst other things, to the purport and effect in the said original information in that behalf specified; and in order to verify this error, Mr. Wilkes obtained a writ of *Certiorari* to certify the original information.

The writ of *Certiorari* being returned, his Majesty's Attorney General rejoined to the errors assigned, and humbly hopes that the judgment of the court of King's-Bench shall be affirmed, for the following, amongst other

R E A S O N S.

I. An information for an offence is a surmise or suggestion upon record, on behalf of the King, to a court of criminal jurisdiction, and is, to all intents and purposes, the suit of the King; and it will be difficult to assign a reason, why his Majesty should not have equal liberty with the subject, of commencing and prosecuting his suits, by those persons whom he thinks fit to confide in and employ.

The Attorney and Solicitor General are invested, by their office, with general authorities, to commence and prosecute the suits of the Crown: it is true, the Attorney General, as the superior officer, has the direction and controul of his Majesty's prosecutions, in which the Solicitor General seldom interferes; but it is equally true, that during the vacancy of the office of Attorney General, all the suits of the Crown, both criminal and civil, are commenced, prosecuted, and carried on by the Solicitor General.

II. At the time this information was filed against Mr. Wilkes, the office of Attorney General was vacant, and consequently the Solicitor General was the proper officer to exhibit it; but it has been, and probably will again be, contended by the plaintiff in error, that the fact of the vacancy ought to appear upon the record. The only pretence for such averment is to inform

inform the court of the vacancy, as an inducement to receive the information from the Solicitor General: but there is no necessity for that intelligence; the Attorney General is, in truth, an officer of, and has a place in, the court of King's-Bench, and the court will take notice of the vacancy of the office; and there are a multitude of instances of suits commenced and prosecuted by the Solicitor General on the behalf of the Crown, without any averment or notice taken of the vacancy of the office of Attorney General.

III. If the circumstance of an information being filed by the Solicitor General furnished any real ground of objection to the prosecution, yet it is conceived that the plaintiff in error is now precluded from availing himself of it; it could at most amount only to an irregularity, and the remedy must have been by application to the court to have the information taken off the file, or the proceedings stayed: it could never be a cause of demurrer, or of an arrest of judgment, or a ground of error; and Mr. Wilkes having pleaded to the offence, has waved any advantage of that irregularity: besides, the Solicitor General having, during the suit, being appointed Attorney General, argued the information, joined issue with the plaintiff in error, and prosecuted the suit to a conviction.

IV. The third error assigned is, upon a supposed variance between the record and the original information; but the fact does not warrant that objection; and it is conceived, that the said supposed error is so assigned, only for the purpose of introducing into the cause a matter, which the plaintiff in error has thought proper frequently to alledge as a subject of grievance and complaint; and although there is not the least colour for the complaint, yet as the manner, in which it has

has been urged, seems to touch upon the honour of the Crown in the administration of justice, and highly to concern the credit and dignity of his Majesty's court of King's-Bench, it is greatly to be lamented that it cannot be brought judicially before your Lordships: the real truth of the case being nothing more than this, that by the order of the Attorney General, a summons was directed to be applied for, after issue joined, and before the trial, from one of the Judges of the court in the usual course of business; and a summons was accordingly applied for and obtained from the Right Honourable Lord Mansfield, for an attendance, to shew cause why the information should not be amended, by altering the word "PURPORT" for that of "TENOR" throughout the information (except in the first place) which, upon such attendance by the clerks in court on both sides, was accordingly ordered, and the amendment made.

Mr. Wilkes's council made no objection to this at the trial, nor in the ensuing Term, as might have been done, and not till Trinity Term 1768, when that amendment was made one ground of a motion in arrest of judgment, but as such an objection could not be regularly made in arrest of judgment, the court were pleased to give him leave to make it upon a motion for a new trial; and the same being made accordingly, and it clearly appearing, that the amendment was made in conformity to a multitude of precedents, and to the constant usage of the court; and that it was not, and could not be, of any prejudice to the defendant; and that he himself, instead of complaining of it, as he might have done, had acquiesced under it; the court unanimously over-ruled the objection, as a point on which no doubt could be entertained.

For

For these and other reasons to be offered at the hearing, it is hoped the judgment of the Court of King's-Bench shall be affirmed.

WM. DE GREY.

E. THURLOW.

February 1.

At twelve o'clock this day came on the further hearing of Mr. Wilkes's petition, when Mr. Wilkes was brought up to the House, who, together with the council and Mr. Wallace were called in: and the House being informed that Mr. Wallace was desirous of explaining some part of his evidence which he gave the day before, as to his having been council for Mr. Wilkes, he was desired to explain himself, when

Mr. Wallace declared, — That after he was examined on the merits of the question the day before, Mr. Wilkes asked, Whether he had ever been council for him? Mr. Wallace said, in answer to this, That it did not occur to him then that ever he had; though he recollected some instances of Printers, which he mentioned, in which he thought Mr. Wilkes might have a concern. He added, that *after he went home, he looked into his papers about five or six years back*; when he found that he had been council for him in *some* causes; and in an indictment of which he believed Mr. Wilkes to be the prosecutor.

Mr. Wilkes then asked Mr. Wallace, Whether one of the causes was not against Mr. Wood, the Under-Secretary of State?

Mr. Wallace said that it was, and then he was ordered to withdraw.

Mr. Cole was then heard for Mr. Webb, who rested the defendant's cause on the evidence which Mr. Wilkes had

produced. *He called no witnesses.* Mr. Serjeant Leigh was heard by way of reply, and then Mr. Wilkes and the council withdrew.

Then the question being proposed, — That it having been determined by the court of King's-bench, that the two orders made by Lord Mansfield, Chief Justice of the said court, for the amendment of the information exhibited in the same against Mr. Wilkes, *were according to LAW and JUSTICE, and the PRACTICE of the said court;* the complaint of Mr. Wilkes, in respect thereof, is *an AUDACIOUS ASPERSION upon the said Chief Justice, calculated to convey a GROSS misrepresentation of the fact, and to PREJUDICE the minds of the people against the administration of PUBLIC JUSTICE.*

After this, the house being moved, that so much of Mr. Wilkes's petition might be read, as related to the complaint of the records being *materially altered*, by the order of Lord Mansfield; it was read accordingly; and the resolution of the House was, — *That the two orders MADE by Lord Mansfield for the AMENDMENT of the information exhibited in the said court against Mr. Wilkes, were ACCORDING to LAW and JUSTICE, and the PRACTICE of the said court, and confirmed by the subsequent determination thereof: That the complaint of Mr. Wilkes was FRIVOLOUS, the aspersions upon Lord Mansfield GROUNDLESS, and tended only to PREJUDICE the minds of the people.*

It was also resolved by the House, that Mr. Wilkes had not made good his charge against Philip Carteret Webb, Esq.

The House did not break up till past one o'clock in the morning; when Mr. Wilkes was remanded into the custody of the Marshal of the King's-bench prison, and the further consideration of the proceedings on the several informations in the court of King's-bench against Mr. Wilkes,

were

were adjourned till half an hour past eleven o'clock the same day.

Feb. 2. The House accordingly met, when they took into their further consideration, the report of the conference with the Lords upon Friday the 16th of December, 1768, respecting the matter of the charge against Mr. Wilkes, a member of that House, for being the *author* and *publisher* of the introduction of the copy of a letter * addressed to Daniel Ponton, Esq. chairman of the quarter sessions at Lambeth, and dated St. James's, April 17, 1768, which was contained in the St. James's Chronicle, printed by Henry Baldwin.

In consequence of this, Mr. Wilkes, Mr. Baldwin, and John Swan were ordered to attend the House, and Mr. Wilkes being first called in, he addressed himself to the Speaker, and said

Mr. S P E A K E R,

I Acknowledge that I transmitted to the press the letter of the Secretary of State, and that I wrote and published the *Prefatory Remarks* to it, and, Sir, whenever a Secretary of State shall dare to write so bloody a scroll, I will through life dare to write such prefatory remarks, as well as to make my appeal to the nation on the occasion. I ask pardon, Sir, that I made use of too mild and gentle expressions,

* T O T heprin, Teroft! heft Jam-Effchro Nic lefirifen.—D***y,
O, uthefol! Lo! wing aut, hentics tatepap ert hedate. O
F**w**h! Ich priormo rethan III.—We ekftot hefata, l-5&5th ofmay's
hews howl on, g-----t! hehorri d—m. Als acreinf. Gé, or Géfi
eldfhad be; —“ Enplanné danddet ermine du ponbef, Ore! I'twas
C. ARRIE, dint O executi!” Onand, howl! onga Hell! ishpro jectcan
bebróo! Dado verbys, O me! infern alspir; itswitho, uto, nemo ME!

N--t--'s Rem. Orfe.

expressions, when I mentioned so wicked, so inhuman, so cowardly a massacre, as that in St. George's Fields on the 10th of May. I pledge myself to the House, that whenever a day shall be appointed to make this important enquiry, I will bring evidence here to prove the truth of every word I have asserted. I hope the House, Sir, will send for Mr. Ponton, and examine him, whether he did or did not receive that letter from the Secretary of State. If he answers in the affirmative, I am sure from the virtue of this House that they will immediately order an impeachment against the Secretary to be carried up to the Bar of the House of Peers.

Mr. Wilkes then begged the leave of the House to be in the gallery, but being refused, he was directed to withdraw.

After this Mr. Wilkes was again called in, and Mr. Wood, a member of the House, declared, — That he had compared the printed letter with the draft of the letter in the Secretary of State's office; that it was the same which Lord Weymouth wrote to Mr. Ponton; that it was very faithfully and accurately copied; and that Mr. Ponton acknowledged the receipt of the letter the day after.

Mr. Onslow then informed the House, that Mr. Ponton had acknowledged the receipt of it to him.

After some time, the Speaker acquainted Mr. Wilkes, that the said charge was founded upon the evidence of Henry Baldwin and John Swan, who had been examined at the Bar the 19th of December last; and that they were now attending at the door, and ready to be again examined in his presence. Whereupon Mr. Wilkes acknowledged a second time to the House, *That he transmitted to the press the letter mentioned in the said charge, and that he wrote the introduction of the copy of the said letter; and then offered to bring evidence to the Bar, to prove the truth of the*
said

said charge of the said MASSACRE. Mr. Wilkes then withdrew.

Then the introduction and letter being read to the House, it was resolved, that the *former* was an *insolent, scandalous, and seditious* LIBEL, tending to inflame and stir up his Majesty's subjects to SEDITION, and to a total *subversion* of all good order and legal government.

Feb. 3. Resolved, That John Wilkes, Esq. *a member of this House*, who hath confessed himself to be the author and publisher of what this house hath resolved to be an *insolent, scandalous, and seditious* LIBEL; and who has been convicted in the court of King's-bench, of having printed and published a *seditious* libel, and three *obscene and impious* libels; and by the *judgment* of the said court, has been sentenced to undergo twenty-two months imprisonment, and is now in execution under the said judgment, BE EXPELLED THIS HOUSE. And then Mr. Speaker was ordered to issue his warrant for the electing a Knight of the Shire

FOR THE COUNTY OF MIDDLESEX.

In consequence of Mr. Wilkes's expulsion, he, the next day, addressed himself

To the Gentlemen, Clergy, and Freeholders of the County of Middlesex.

GENTLEMEN,

THE proceedings of yesterday in the House of Commons fill me with the deepest concern, and I can truly say, much more on your account than my own. I cannot be deprived of the glory of having been chosen a repre-

representative in parliament for the first county in England; but I feel with an anguish of heart, that the present ministry have found means to suspend for some time the plan of usefulness to my constituents, and service to this kingdom, which I had meditated. What adds however the most to my grief is, the melancholy reflection that by my expulsion the ministry have thus openly shewn, that they entertain no scruple of violating the sacred rights of the people, even in the most important case, that of having a deputy nominated by themselves to the great council of the nation. They have in the instance of yesterday robbed a very respectable part of this kingdom of their noblest inheritance, of their share in the legislative power. No set of men in this nation have hitherto ventured so grossly to abuse the trust reposed in them, nor to give so fatal a stab to the vitals of our country. The threatening aspect of all our public affairs does not present any thing equally alarming, except in the late instance of ruffians hired to be your assassins and the murderers of the constitution at our last county election, whom public justice and an honest English jury have hitherto in vain sentenced to death. I think with horror on what we may in future dread for the liberties of all the Commons of Great-Britain from so despotic an administration, if our gracious Sovereign should much longer continue to them the power of the state.

Permit me, Gentlemen, to renew to you the assurances of inviolable attachment to your service and the cause of liberty, to which my life is dedicated. My courage is not appalled, nor my spirit in the least abated. I will carry with me to the grave an unshaken fidelity and ardent affection to you and to this country, an invincible hatred and opposition to its enemies. I hope still to give you further proofs of my sentiments by my parliamentary conduct. I flatter myself that the relation between us, which subsisted

sisted yesterday, although now dissolved by the violence of arbitrary ministers, will in a short time again take place. Every mark of your regard I shall value in a high degree, and I trust that my conduct will convince you, that I am not quite unworthy of the choice, which I have now the honour of humbly soliciting.

I am strongly influenced on this occasion by a particular reason, which strikes me very forcibly, and I believe will have the greatest weight with you. It is, that by a second choice of me for this county, you, Gentlemen, the independent freeholders, will assert the clear right you derive from the constitution of naming your own representatives. If ministers can once usurp the power of declaring who shall not be your representative, the next step is very easy, and will follow speedily. It is that of telling you, whom you shall send to parliament, and then the boasted constitution of England will be entirely torn up by the roots. The parliaments of Great-Britain will become not only as insignificant as those of France, a mere state-engine of government, but a grievous burthen and infinite mischief to the nation. The present great crisis affords the opportunity of asserting your most valuable privileges, and of shewing yourselves superior to the insolent mandates of a minister, who has the presumption to treat Englishmen as slaves.

The rights of this free kingdom, gentlemen, have been frequently violated in my person. You have now in me the opportunity of vindicating them, and I hope without the reproach of vanity I may add, that my firmness in the support of our common liberty, under circumstances equally perilous and intricate, has secured me your confidence, and will be considered by you as a proof that you may again safely honour me with this fresh testimony of your esteem,

the

the chusing me a second time the representative of my native county in parliament.

I am, Gentlemen,

With true regard and gratitude,

Your most obedient, and affectionate

King's-bench Prison, Humble servant,

Saturday, Feb. 4. 1769. JOHN WILKES.

Feb. 9, Mr. Wilkes again put up as candidate for the aforesaid county, and inserted in the papers the following advertisement

To the Gentlemen, Clergy, and Freeholders of the County of Middlesex.

GENTLEMEN,

I Regret exceedingly that my situation deprives me of the honour of paying my personal respects to you on the present occasion, and once more soliciting myself your votes to represent my native county in parliament. I am just now informed that the election is fixed for Thursday next the 16th instant. Your early appearance in my favour at Brentford that morning, I shall always acknowledge as an additional obligation to the many you have already conferred on,

GENTLEMEN,

Your faithful and obedient

King's-Bench Prison,

Humble servant,

Thursday, Feb. 9.

JOHN WILKES.

The election came on the 16th of February, when Mr. Wilkes was nominated by James Townshend, Esq. member for West-Looe, in Cornwall; and seconded by John

Sawbridge,

Sawbridge, Esq. member for Hithe, in Kent. The freeholders were unanimous in their approbation, and accordingly Mr. Wilkes was returned without opposition. Both Mr. Townshend and Mr. Sawbridge made very elegant speeches on this occasion, and the former was chaired for Mr. Wilkes. The concourse of freeholders was prodigious; and the acclamations with which they received the declaration of the sheriff who attended, was such as testified the greatest joy and satisfaction.

To the Gentlemen, Clergy, and Freeholders of
the County of Middlesex.

GENTLEMEN,

THE zeal and unanimity you have shewn this day for the maintainance of our most valuable privileges against the late attack of a despotic administration, will for ever reflect the truest honour on yourselves and on this county. With every sentiment of gratitude and respect, I beg leave to acknowledge the repeated distinction you have been pleased to make of me on this occasion. I am the more happy, because I consider my re-election by the free and unanimous voice of my countrymen as the most direct and full testimony you could give to the world, that you approve my conduct, relative to the publication of the *Preface*, and the *Secretary of State's Letter*, which was followed by the horrid murders committed in my sight near the walls of this prison. I obeyed your *instructions*, Gentlemen, in that only instance in my power, although I was in custody at the Bar of the House of Commons. I thought it my duty, as your representative, earnestly to press an enquiry into the transactions of the military on

that day of cruelty and carnage, a day of indelible disgrace to the annals of England, and even to humanity. I pledged myself to bring evidence to the Bar of the Commons in support of the charge I had stated, and whenever parliament shall make inquisition for the innocent blood spilt here on the 10th of May, I am sure my worthy colleague, Mr. Glynn, will do justice to this injured country in the House, and I will not be wanting to the cause in this prison, or in the most loathsome dungeon, if indeed I am not as closely and rigorously confined as I was in the Tower. The horror I expressed of the massacre in that *Preface* was made the first and chief pretence of my expulsion, as I now find from the *Votes*. As to every thing else alledged against me, the courts of law have full satisfaction, and the whole happened some years before your former choice, before I had devoted myself to your service.

In consequence of this fresh mark of your regard and confidence, I expect, Gentlemen, fresh efforts to crush and destroy me from the present administration, whom I believe to be the determined enemies of the freedom of the subject. But whatever I may suffer under the merciless fangs of ministerial vengeance, I will persevere in the cause of liberty to the last moment of my life. Under every threatening and danger I will join with you in hearty endeavours to repair the breaches which have been made, and to restore to its ancient vigour and first principles this excellent constitution, which has in our times been sapped and undermined by secret corruption, and invaded by open violence, I wish I could say only in the case of general warrants, the seizure of papers, the massacre by the military in these Fields, and the assassinations at Brentford. However from the goodness of our cause, and the high spirit of this free nation, we cannot in the end fail of success, and our steadiness will draw to us the firm and generous support

support of the numerous, sensible, and magnanimous friends whom liberty has ready at her call throughout this island. The glorious event must be the preservation of the liberties of the people to the present and to future ages.

I am, Gentlemen,

Your grateful, affectionate,

And faithful

King's-Bench Prison,

Humble servant,

Thursday, Feb. 16, 1769.

JOHN WILKES.

Feb. 17, the deputy clerk of the crown was ordered to attend the house of Commons, with the return of the writ for the electing a Knight of the Shire for the county of Middlesex, when he attended according to order, and the said writ and return, in favour of Mr. Wilkes, were read.

A motion was then made, and the question being proposed, that Mr. Wilkes having been chosen before, and since expelled that house, *was* and *is* incapable of being elected a member thereof. The resolution of the House on the 3d of February, relative to his expulsion at that time, was then ordered to be read, and it being accordingly read, the House declared it to be a *void* election.

One of the members, who was then in the House, declared, — That he was present at the Middlesex election, that there was no other candidate besides Mr. Wilkes, and that there was no poll demanded for any other person, nor any kind of opposition to the election of the said Mr. Wilkes. But notwithstanding this declaration, it was ordered that a new writ should be made out for another election: when in consequence thereof, Mr. Wilkes a third time entreated the votes of

The

The Gentlemen, Clergy, and Freeholders of the
County of Middlesex.

GENTLEMEN,

THE unanimity you have shewn in the second choice of me as your representative has not prevented my second expulsion without any new pretence. Another writ is ordered, and I must again entreat you to confirm your former choice by honouring me a third time with your votes at the ensuing election, which will be at Brentford on the 28th instant. I will never give up the cause, nor quit the service of my constituents, and I make no doubt that your perseverance in the support of your own rights by a repeated exertion of the powers you derive from the constitution, will in the end be crowned with the desired success. In case of any future expulsions, I will regularly repeat to you the offer of my humble services, that you may have again and again an opportunity of vindicating your most valuable privileges, the rights of all the electors of this kingdom, which I will never abandon nor betray.

I hope none of my friends will be absent from Brentford on the 28th, and I shall be particularly obliged to them for their early appearance.

I am,

GENTLEMEN,

Your faithful

King's-Bench Prison,
Saturday, Feb. 18, 1769.

Humble servant,

JOHN WILKES.

And on the 20th of the same month the following advertisement appeared:

To

To the Gentlemen, Clergy, and Freeholders of
the County of Middlesex.

GENTLEMEN,

AFTER the most mature deliberation, and at the desire of very many friends, I am again a candidate for the honour of representing you in parliament, and I mean humbly to solicit that trust as frequently as any vacancy shall be declared in violation of your inherent and unalienable rights, which I will ever support. I consider the privilege of electing your own representative, the person to whose charge is committed the disposal of your properties and lives, as the first principle of our constitution, as the essence of that power, which the people have reserved to themselves. If it is taken from you, that instant you will cease to be free, for you will be governed by laws to which you have not given your assent, or perhaps be subject to the caprice and arbitrary will of a minister or a minion. I therefore am determined, Gentlemen, on every occasion to assert your rights, and I will not shrink from any danger, when I have so great an object in view.

A resolution of the House of Commons does not make the law of this kingdom, nor can it deprive the electors or elected of any legal right. It cannot create or destroy the capacity of either derived from the law of the land. It is only the opinion of one third part of the legislature. The returning officer has an act of parliament for his guide, an act of all the three estates of this realm. The form of his oath is prescribed in that act. He is sworn "to return
"such person, or persons, as shall to the best of his judgment appear to him to have the majority of LEGAL
"votes." If he does not, he is declared guilty of wilful

perjury.

perjury. Should I be so distinguished by your favour, as to be a third time elected your representative, the only alternative left to the Sheriff is to return me, or to perjure himself. The justice and impartiality of the Sheriff cannot be questioned. The House of Commons are the sole judges who are duly elected, but the people only have the power of determining, who are the fit and proper persons to be entrusted, under those restrictions and qualifications alone expressly declared by act of parliament.

Devoted as I am a personal sacrifice to the revenge and implacability of a most desperate and despicable set of men in administration, I go on however very deliberately the way of truth and honour in the pursuit of your interests, and the cause of freedom. I will be consistent and uniform to the end. At the hazard of all I hold dear, in defence of all that is dear to you, I will proceed to expose, and, if possible, bring to justice, those exalted offenders, who, betraying the sacred trust for which they are responsible to the public, have been long and assiduously labouring to effect the ruin of this nation. At the same time the utmost of my little influence and abilities shall be exerted to prevail on the real friends of our King and country to heal our unhappy divisions, to correct the errors, which, contrary to its first principles, have crept into our constitution, and to restore its genuine, original purity. By such means alone the dignity of the crown, the good order of government, and the liberties of the people can be preserved. We shall then only be truly happy as men, as freemen, as Englishmen.

I am, Gentlemen,

Your most faithful, and obedient

King's-bench Prison,

Humble servant,

Monday, Feb. 20, 1769.

JOHN WILKES.

ADVERTISEMENT

ADVERTISEMENT

To the Gentlemen, Clergy, and Freeholders of
the County of Middlesex.

GENTLEMEN,

THE unanimity you have shewn in the second choice of me as your representative has not prevented my second expulsion without any new pretence. Another writ is ordered, and I must again entreat you to confirm your former choice by honouring me a third time with your votes at the ensuing election, which will be at Brentford on Thursday the 16th of March. I will never give up the cause, nor quit the service of my constituents, and I make no doubt that your perseverance in the support of your own rights by a repeated exertion of the powers you derive from the constitution, will in the end be crowned with the desired success. In case of any future expulsions, I will regularly repeat to you the offer of my humble services, that you may have again and again an opportunity of vindicating your most valuable privileges, the rights of all the electors of this kingdom, which I will never abandon nor betray.

I hope none of my friends will be absent from Brentford on the 16th of March, and I shall be particularly obliged to them for their early appearance.

I am, Gentlemen,

Your faithful

King's-bench Prison,
Wednesday, Feb. 22, 1769.

Humble servant,
JOHN WILKES.

February

February 22, A meeting was held of the freeholders of Middlesex, at the Assembly-Room, Mile-end, in behalf of John Wilkes, Esq. — The following is a sketch of their proceedings. There were present near four hundred gentlemen, freeholders of the county of Middlesex. At twelve o'clock Mr. Townshend was desired by the general voice to take the chair, who expressed his disapprobation of the measures taken to compel the freeholders of Middlesex to give up their constitutional right of electing any gentleman they think proper to send as their representative to the House of Commons; and having produced many instances of former expulsions, assured the gentlemen that none of those could in any wise affect the case of Mr. Wilkes; for none of them were attempted to be inflicted but where the misconduct or crime of the sitting member proved him to be unworthy to be trusted with the liberty and property of his country. In which argument he was seconded by Mr. Sawbridge, and the Rev. Mr. Horne, who read a case in point, which happened in the present reign, of an expulsion, re-expulsion, and even an act of assembly in the island of Barbadoes, and the whole case disannulled by our gracious K— and C—I, as an invasion upon the rights of the people to chuse their representatives. Several more gentlemen delivered their sentiments to the same effect. Sir Francis Delaval stood up to vindicate his own character and conduct in the present proceedings, pledging his honour that he never did, nor ever will oppose Mr. Wilkes, either in the county of Middlesex, or elsewhere. Each of the Speakers concluded with an exhortation to unanimity in their perseverance to maintain their right of election, to be dutiful to the King, oppose bad men and bad measures, to preserve the peace on all occasions, and to vote for Mr. Wilkes, and Mr. Wilkes ONLY. It was then put up to the

the vote, whether they would unanimously, and at their own expence, support the election of Mr. Wilkes on the 16th of March next, and to use the utmost of their endeavours to bring as many friends as possible to Brentford on that occasion? When it was unanimously agreed so to do, and it was added, *viva voce*, that they would rather lose their lives than their liberties.

The following is an exact copy of the writ issued out of Chancery for the election of a Knight of the Shire for the county of Middlesex, on Thursday the 16th day of March :

(C O P Y .)

GEORGE the Third by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. To our Sheriff of the county of Middlesex, greeting.—WHEREAS John Wilkes, Esq. was lately chosen one of the Knights for your county, for our present parliament, summoned to be holden at our city of Westminster the tenth day of May, in the eighth year of our reign, on which day our said parliament was begun and held, and from thence by several adjournments and prorogations unto Tuesday the eighth day of November last past was adjourned and prorogued, and there now holden; and whereas the said John Wilkes has by the Lower House of our said parliament been adjudged incapable of being elected a member to serve in our said parliament, and the election of the said John Wilkes, for the said county, has been declared void, as by a letter of our right trusty and well-

beloved Counsellor, Sir John Cust, Bart. Speaker of our said Lower House of parliament, more fully and plainly appears, by means whereof our subjects of the said county are deprived of one Knight to treat for the benefit of the same county in our said parliament; nevertheless, we being unwilling that the Commonalty of our kingdom in our said parliament assembled to treat of business concerning us, the state and defence of our kingdom and the church, from the aforesaid cause should be diminished or lessened, whereby those affairs may not have a due end; We command you, that in the place of the said John Wilkes, in your full county to be holden next after the receipt of this our writ, one other fit and discreet Knight of the aforesaid county, girt with a sword (proclamation being first made of the premises and of the day and place) freely and indifferently by those who shall be present at the proclamation, according to the form of the statute in that case made and provided, you cause to be elected, and the name of such Knight to be inserted in certain indentures to be thereupon made between you and them who shall be present at such election (whether at the said election he shall be present or absent) and to cause him to come to the said parliament, so that the same Knight so to be chosen may have full power and sufficient authority for himself and the Commonalty of the aforesaid county, to do and consent to those things which in our parliament aforesaid, by the Common Council of our realm (by the blessing of God) shall happen to be ordained upon the aforesaid affairs; willing nevertheless that neither you nor any other Sheriff of this our kingdom in any wise be elected; and the election in your full county so made, distinctly and openly under your seal, and the seals of them who shall be present at such election, certify you to us in our Chancery, forthwith remitting to us one part of the aforesaid

said indentures annexed to these presents, together with this writ.

Witness ourself at Westminster the 17th day of February, in the ninth year of our reign.

Y O R K E and Y O R K E.

The Return to the above Writ.

(C O P Y.)

THIS indenture made in full county of Middlesex, held at Brentford in the said county the sixteenth day of March, in the year of our Lord One Thousand Seven Hundred and Sixty Nine, and in the ninth year of the reign of our Sovereign Lord George the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth; between Thomas Hallifax, Esq. and John Shakespear, Esq. Sheriffs of the county aforesaid, of the one part; and the several others whose hands and seals are hereunto subscribed and set; and many others of the said county, electors of a Knight to the parliament in the writ hereunto annexed, mentioned in the place of John Wilkes, Esq. of the other part; who, as the greater part of the said county, then and there being sworn and examined, according to the force, form, and effect of the several statutes in that case made and provided, have chosen John Wilkes, Esq. a fit and discreet Knight, girt with a sword, and dwelling within the county aforesaid, giving and granting to the aforesaid Knight full and sufficient power for himself, and the Commonalty of the county aforesaid, to do and consent to those things which in the said parliament, by the Common Council of the

the realm of our said Lord the King, shall happen to be ordained, upon the affairs in the said writ mentioned. In testimony whereof the said parties to these presents have hereunto interchangeably set their hands and seals the day, year, and place above mentioned.

THO. HALLIFAX.

JOHN SHAKESPEAR.

John Sawbridge, Timothy Fox,

James Townshend, Frank Capell,

Walpole Eyre, J. Horwood,

John Horne, Nich. Joseph Fell,

William Drinkwater, Robert Macky,

Robert Morris, Thomas Browne,

John Howard, Watkin Lewes,

Robert Lewes,

Thursday, March 16, came on again at Brentford the second re-election of a Knight of the Shire for the county of Middlesex. Charles Dingley, Esq. was the only gentleman who offered to oppose the popular candidate. He accordingly attended on the Hustings before the arrival of the Sheriffs, with the view, as was supposed, of standing the poll; but probably conceiving some disgust at his reception, he retired soon after. When the Sheriffs came, they demanded if there were any other candidates, and mentioned the receipt of a letter * from Charles Dingley, Esq.

* To Messrs. HALLIFAX and SHAKESPEAR,
SHERIFFS and ALDERMEN.

GENTLEMEN,

I Have not wanted resolution to undertake a task which I conceived might be of the greatest benefit to my King and country, and to this county in particular (of which I am a native, have landed interest of above one thousand

Esq. declaring his intention of offering himself. After some time no such person appearing, nor any freeholder being to be found either to propose or recommend him, the Sheriffs proceeded to take the sense of the freeholders by shew of hands, which was unanimously in favour of Mr. Wilkes, and after proclamation being three times made, the Sheriffs declared John Wilkes, Esq. duly elected. The greatest order and regularity was observed during the whole proceeding, and the day being uncommonly fine, rendered every thing very agreeable.

About thirty freeholders, staunch friends to the constitution of their country, and strenuous supporters of Mr. Wilkes, set out for Brentford from the Hoop and Falcon in St. Martin's le Grand, with colours flying, preceded by a band of music; and taking their course over London-Bridge, at the King's-Bench prison paid their compliments to the popular candidate; after which they re-passed

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the

thousand pounds per annum, and as much in other counties, and am greatly interested in many other essential respects) and for that purpose I got upon the hustings before the time you mentioned, and should have been glad to have personally offered myself as a candidate for the county; but as I found a disposition almost to a man to crush me upon the spot after two attempts, and that there is one Staples who personally attacked me very injuriously and unjustly, and as I am not conscious to have deservedly one enemy in the world, the madness of any number or of any one it becomes me prudently to avoid. If with safety I could come, I would do it with pleasure and resolution; but for the sake of others, more than myself, *I have withdrawn myself.*—I desire you and the friends of the public to resolve upon what is right to be done; I hold my resolution to offer myself a candidate, *in case I am put in nomination.* The bearer will inform you where I am, ready to receive any advice, or to do that which you think proper;

And am with the greatest respect,

Brentford,

March 16, 1769,

11 o'Clock.

GENTLEMEN,

Your most obedient servant,

CHARLES DINGLEY.

the river at Westminster, and proceeding down Pall-Mall to St. James's Palace; there they sung and played "God save the King," which being over, they gave three cheers, and departed in great jollity for Brentford.

The same morning another cavalcade set out from Poplar, consisting of upwards of 200 horsemen, with colours flying and music playing before them, to St. George's Fields; and after paying their compliments to Mr. Wilkes, they returned back over London-Bridge, passed through Lombard-street to the Mansion-house, where the music played some time; when the Right Hon. the Lord Mayor came to the ballustrades, and paid his respects to the company, who gave him three huzzas; they then turned up Cornhill to the London Tavern, and being joined by a great number of coaches, post-chaifes, &c. they proceeded to St. James's, where the music played, "God save the King." At Hyde Park corner they were joined by near 300 more, from thence they rode in great order to Brentford. As soon as the election was over, they returned to the King's-Bench, to compliment Mr. Wilkes on his re-election; they then re-passed London-Bridge, and went again to the Mansion-House; where, after the music had played some time, they proceeded to the Royal Exchange, and after giving three huzzas, they marched off.

Mr. Wilkes's address of thanks

To the Gentlemen, Clergy, and Freeholders of the County of Middlesex.

GENTLEMEN,

AFTER the sense of the county had so lately appeared in the clearest manner by my unanimous re-election, I did not expect that any gentleman could have been

been found to oppose me, still less in so unfair a way as by a declaration not many hours previous to the poll. The advertisement of Mr. Charles Dingley in every public paper is stolen upon us only this morning, although the day of election has been fixed near a month. This plan of trick and surprize has been however concerting for some weeks in a clandestine and dark manner with the enemies of your freedom and independency. The meanness and artifice of this ungenerous attack is to be ranked among the various ministerial measures employed to set aside the man of your free choice, but your firmness and spirit have rendered vain and fruitless all the contrivances of low cunning, and the efforts of weak malice. My opponent declares under his hand; "that he had been solicited by some respectable freeholders of the county of Middlesex to offer himself as a candidate to represent them in parliament on account of the present vacancy," but in fact no freeholder could be prevailed upon even to put him in nomination. The noble stand you made this day in a cause, which is common to every elector of Great-Britain, will be remembered with gratitude by our latest posterity. My personal obligations to you, Gentlemen, for your generous support on this occasion, I can never forget, but as an Englishman the greatness of your conduct in so important and trying an instance affects me still more sensibly, for you have gloriously asserted the clear rights of every freeholder in the island, which a despotic ministry had openly invaded.

The manly spirit you have exerted this day in direct opposition to every art and intrigue of a corrupt administration, cannot fail of making a strong impression upon a set of men, who seek the ruin of public liberty. They have long lost sight of all national good, but they may now possibly refrain from further acts of despotism, and if we enjoy the noble

noble privileges of our country confirmed by the Great Charter and the Bill of Rights, particularly those respecting the freedom of elections, secured to us by the wisdom and valour of our ancestors, we shall owe our happiness to the zeal and vigour, with which you, Gentlemen, and the other independent electors of this kingdom have supported these original and primary rights of Englishmen. Whatever be the consequences of this day's proceedings, you have the satisfaction of having borne your testimony to the just claims of every freeholder, and the best rights of our inheritance. The nation will in this age do justice to your merit; but your reward will not have an end with the present times; your names and memories will become dear and venerable to all future ages.

I am, Gentlemen,

With much respect and gratitude,

Your affectionate, and faithful

King's-bench Prison,

Humble servant,

Thursday, March 16.

JOHN WILKES.

Friday, March 17. It was again resolved in the House of Commons that the election and return of Mr. Wilkes were null and void; a new writ was thereupon ordered to be made out, and Mr. Wilkes on the 23d again addressed himself on this subject

To the Gentlemen, Clergy, and Freeholders of
the County of Middlesex.

GENTLEMEN,

IF I had not experienced your unwearied zeal for liberty and the defence of the fundamental rights of the subject, I should feel some uneasiness in being now obliged
by

by a third expulsion to beg the favour of you to attend so soon again at Brentford to support your former choice. But I know you have the cause of your country at heart, and that you glory in every opportunity of convincing the world, that you will never give up your title to a free election. If you tamely suffer this most valuable right of chusing your own representative in parliament to be taken from you, or rendered of no effect, you must not expect that the enjoyment of any meaner, or more inconsiderable, franchise will be long permitted. The spirit of an Englishman revolts at the very idea, and the freeholders of Middlesex have always firmly stood foremost in the day of trial, however severe and perilous.

The next county court is fixed for Thursday the 13th of April, when the election will come on at Brentford. The appearance of my friends at an early hour of that day I shall esteem as a very particular obligation.

I am, Gentlemen,

With all deference and respect,

Your faithful and obliged

King's-Bench Prison,

Humble servant,

Saturday, March 18.

JOHN WILKES.

For the steadiness of his conduct, and the motives of these his repeated solicitations, on the 23d he submitted the following spirited reasons to the immediate consideration of

The Gentlemen, Clergy, and Freeholders of
the County of Middlesex.

GENTLEMEN,

THE remarkable series of important events, in which you have been of late deeply interested, requires that

that I should state fully to you the motives of my conduct. No private consideration could induce me thus repeatedly to entreat the freeholders of this respectable county to submit to the inconvenience of so frequent elections. I am actuated by a higher principle, by duty to you and to my native country. My sole motive is the hope of establishing by perseverance your title to a free election, which our forefathers transmitted to us as an hereditary claim, and our posterity will demand from us, as the guardians of their birth right, of their best inheritance. I find that after ministerial power has been without success exerted in every form of corruption, division, and intimidation, to defeat your rights, another plan is at length adopted, and the vain hope of our enemies now is, that you will be tired out by the contest, by the increasing expence to which you are compelled. You will however I am sure continue to prove to the world that you are superior to this mean, wretched artifice, unseduced by corruption, undivided by artifice, and undaunted by every apprehension of future vengeance.

I cannot conceive any thing of greater importance to the preservation of public liberty than the event of the present struggle. The question is, Whether the people have an inherent right to be represented in parliament by the man of their free choice, not disqualified by the law of the land? This question is now again agitated in an enlightened age under a Prince of the Brunswick line, to whom the exercise of this very right gave the sceptre, in consequence of the glorious revolution. It is a right coeval with our constitution, and stands among the first principles of our form of government, which reserves to the people a third part of the legislative power. It began at the very first faint dawn of liberty in our island, and will survive to the last convulsive pang of expiring freedom. It is a part

of the original compact between the Sovereign of this nation and the subject, expressly stated in the BILL OF RIGHTS, which declares, that in this, as well as in the other instances enumerated, our ancestors, "as theirs," in like case had usually done, VINDICATED and ASSERTED the true, ANCIENT and INDUBITABLE rights and liberties of the people of this kingdom, which they CLAIMED, DEMANDED, and INSISTED UPON, and the whole legislature enacted, shall stand, remain, and be the law of this realm FOR EVER."

Parliamentary authority obliges every Sovereign at the coronation to swear to the observance of that and all the other statutes of this realm, and this excellent act declares, that "all officers and ministers whatsoever shall serve their Majesties and their SUCCESSORS, according to the same IN ALL TIMES TO COME." This right of the people is no less clear by reason than by the positive statute. There can be no representation, but when the greater number to be represented have freely chosen a person who is legally qualified. A representation without, or against the consent of the parties, is an insult to common sense, an absurdity scarcely to be paralleled, and injustice and insolence not to be forgiven.

In my case, Gentlemen, the legislative power has in no way interfered. A resolution of only one third part was obtained. The first expulsion was chiefly grounded on the pretence of what I had written relative to the massacre in these Fields, which I did from the impression that bloody scene had made upon me. This I declared afterward at the Bar of the House of Commons in pursuance of your instructions. From thence the first expulsion avowedly took its rise. I made an appeal to my constituents. You approved my conduct, and unanimously re-elected me. I was then expelled a second time, and no reason whatever was assigned.

assigned. The day after this re-election, the present administration procured a resolution, "that I was and am incapable of being elected a member, to serve in this present parliament, and the late election of a Knight of the Shire for the county of Middlesex, is a void election," but you, Gentlemen, determined for yourselves, and would not surrender your right of choice. By this resolution the administration hath unlawfully deprived you of a right acknowledged to be yours FOR EVER by an act of the whole legislature. To make this case, so subversive of your right, the more flagrant, it is expressly stated, "that there was not any kind of opposition to the election." I still proceeded, Gentlemen, to appeal again to you, and by your favour my third re-election was as unanimous as the former. I was the next day expelled, with a similar declaration, "that no other candidate was proposed, and that no elector gave or tendered his vote for any other person." In this last instance both the election and return are declared null and void. This contest is now become of the most interesting nature. It is between the present administration and all the electors of Great-Britain. There is nothing personal in it. The cause is national, and of the first magnitude. No danger shall deter me from my duty, and while I continue to be entrusted by you in this important concern, I shall rely on your protection and support. In me you shall find obedience to your instructions, fidelity and indefatigable zeal for the maintainance of every right of this free and brave nation.

I am, Gentlemen,

With affection and regard,

Your obliged and faithful

King's-Bench Prison,

Humble servant,

Thursday, March 23.

JOHN WILKES.

On

On the 24th, immediately after Mr. Wilkes's third expulsion from the House of Commons, an advertisement appeared in the papers, signed Henry Lawes Luttrell, and addressed

To the Gentlemen, Clergy, and Freeholders of
the County of Middlesex.

GENTLEMEN,

THE House of Commons having adjudged Mr. Wilkes incapable of being elected to serve in this present parliament, I presume to solicit your votes and interest, and to request your early attendance at Brentford in my favour on the 13th of April, when the election will come on. Permit me to assure you, that if I have the good fortune to be chosen the representative of this my native county, it shall be my earnest endeavour to merit so great an honour, and I hope to preserve your confidence and esteem, not by professions calculated only to mislead the judgment, or inflame the passions, but by a constant and honest discharge of my duty in parliament, approving myself a firm supporter of my constituents, a zealous promoter of their interests, and a real friend to the laws and constitution of my country.

I am, Gentlemen,

With great truth and respect,

Your most devoted

South-Audley-Street,

Humble servant,

March 24.

HENRY LAWES LUTTRELL.

Immediately under this address the following advertisement was directed

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To

To Colonel LUTTRELL.

SIR,

IF you meant to do this country service in parliament, as you had already a seat for Boffiney along with Lord Bute's Son, why did you quit that certainty for only the chance of representing Middlesex? You might have employed your time better on Good-Friday, than in writing an advertisement, which you know can be attended with no consequence, but that of covering you with dishonour as a gentleman, even should you by trick succeed, for you have repeated proof that another has the general voice of the county. I advise you to retire in time. Your little cock-boat is too slight to out-ride the approaching storm.

A MIDDLESEX FREEHOLDER.

On the 4th of April another candidate appeared in the papers to represent the county of Middlesex; but by the style and manner of the advertisement it seemed in fact only as a satyrical sneer upon that of Henry Lawes Luttrell, Esq. which the reader may observe by comparing them together.

To the Gentlemen, Clergy, and Freeholders of
the County of Middlesex.

GENTLEMEN,

THE House of Commons *not* having adjudged *me* incapable of being elected to *serve* in the present parliament, I *therefore* presume to solicit your votes and interest,

and

and to request your early attendance in my favour on the 13th of April at Brentford, where *free election should* come on. Permit me to assure you, that if I have the good fortune to be *seated in the place* of the representative of this county, it shall be my earnest endeavour to merit *all the honour I shall get by it*; and I hope to preserve *as much as I ever had* of your confidence and esteem, not by my professions, calculated only to mislead the judgment and inflame the passions; but by a constant and honest discharge of my duty in parliament, *as far as may be consistent with my duty* in a military capacity, *which is of itself sufficient* to approve me a firm supporter of the *civil* rights of my constituents, a zealous promoter of their *civil* interests, and a real friend to the laws and *civil* constitution of my country.

I am, Gentlemen,

With great truth and respect,

Your most devoted

Park-Street, Westminster,

Humble servant,

April 4.

DAVID ROCHE.

In consequence of this opposition to Mr. Wilkes, and the means which had been taken by the ministry to put up Colonel Luttrell, on Saturday, April 8, Mr. Wilkes inserted another advertisement addressed

To the Gentlemen, Clergy, and Freeholders of
the County of Middlesex.

GENTLEMEN,

SINCE an opposition to me has been declared by a ministerial gentleman, whose seat in parliament is purposely vacated by the acceptance of an insignificant place,
without

without even the pretence of being solicited by some respectable freeholders, I find that the old artifice of starting another candidate is renewed with the hope of dividing you and of drawing your attention from the real object of this struggle, which is between the electors of Great Britain, and the assumed power of administration. Several gentlemen, warm friends to the freedom of the subject, have been strongly solicited by the emissaries of this ministry to accept a seat in parliament by your means. They have not however been the dupes of this plan of deceit. They have spurned at the treacherous proposal. I rejoice that a perfect union of sentiment on this subject prevails in almost every part of the county. The question now is well understood to be, not who shall represent the county, but whether you the electors have the right of naming your own representative to parliament. I am sure you will never give up that right, nor quit the public ground on which you stand. It is of the highest importance to every elector in the kingdom, that after the late attempt to rob you of this right, it should be acknowledged and established. You have repeatedly and unanimously denied that any one part of the legislature could deprive you of your choice, and this in a manner the most obliging and honourable to me. If then another candidate could at this time by any means be brought into parliament for the county, the ministry would succeed in their attack, and you would appear to acquiesce in an illegal claim. You may now have the glory of bringing this national cause to a decision, of establishing the just claims of Englishmen on so solid a foundation as never again to be shaken, of preventing the sacrifice of this essential right, and the making a precedent against yourselves and your posterity.

Gentlemen, the attention of the public is fixed on you, and the importance of the cause has spread a general anxiety
for

for the event of next Thursday. I congratulate the people that the freeholders of Middlesex are called to stand forth, for I know your vigilance and undaunted spirit in the defence of our common liberty. May such efforts be crowned with the success they merit, and may we be the happy instruments of perpetuating the blessings of a free constitution to the latest inhabitants of the whole British empire!

I am, Gentlemen,

With true respect,

Your faithful and obliged

King's-Bench Prison,

Humble servant,

Friday, April 7.

JOHN WILKES.

April 13. About half past nine, the election for Middlesex came on at Brentford. The candidates were Mr. Wilkes, Mr. Luttrell, Mr. Roche, and Mr. Serjeant Whitaker.

After the writ and the act of parliament against bribery and corruption were read, and the Sheriffs sworn, the Honourable Mr. Fox, eldest son of Lord Holland, put up Col. Luttrell. Then Mr. Sawbridge came forward on the hustings, and silence being demanded, he addressed himself to the public in the following words:

GENTLEMEN,

I Need not acquaint you that the affair in point is now a dispute between administration, and the freeholders of Middlesex; and since the former election, there has been a meeting of the Supporters of the Bill of Rights, wherein I had the honour to take the chair, and that it was resolved to support Mr. Wilkes's cause, as the cause of liberty; I hope you will now stand forth, as you have already done in this cause, and shew to the whole world that nothing is

capable of taking away your freedom, the glorious birth-right of every Englishman; I therefore press this very seriously, as an object of your consideration; and hope that the friends of Mr. Wilkes will equally show themselves friends to peace and good order.

Mr. Townshend then seconded Mr. Sawbridge, and spoke to this effect

GENTLEMEN,

I need not recapitulate what the Gentleman who spoke last has said, as I am very sensible the doctrine of liberty is too well established in your hearts to need it. It has been rumoured that the friends of the other candidates would be prevented by Mr. Wilkes's friends from polling on this occasion; this, I am very sure is only circulated by the tongue of malice; nor would I mention it but as a caution to you, to be particularly circumspect in your behaviour; as the more you are so, the more it will proclaim to the world the impartiality of your conduct, and freedom of your choice. I beg you, above all things (as you respect your own consequence) to preserve peace and good order, which constitutes the spirit of liberty and independence. It is full time enough to shew hostilities, when the laws and religion of this country are openly attacked and attempted to be wrested from you (which I hope never will be the case) when it is only justifiable, and constitutes the true character of an Englishman.

Both these speeches were received with the loudest bursts of applause imaginable, and upon the holding up of hands, the majority (indeed it may be said the totality) were for Mr. Wilkes.

The poll began at 11 o'clock, and finally closed at half an hour after three, when on casting up the poll, the numbers were declared as follow :

For Mr. Wilkes	- - -	1143
Col. Luttrell	- - -	296
Serj. Whitaker	- - -	5
Mr. Roche	- - -	0

The last Gentleman was nominated by Mr. Martin and Mr. Jones, but at 12 o'clock the Sheriffs received a letter from Mr. Roche, declining being a candidate, not chusing to take the oaths necessary on the occasion. Soon after which he came upon the hustings.

A grand cavalcade of the freeholders set out from the Prince of Orange in Jermyn-Street, before whom were carried six or seven flags (on some of which were written " Bill of Rights," and on others " Magna Charta ") all badges of the different societies of which Mr. Wilkes has been made a member.

A great body of freeholders, Mr. Wilkes's friends, preceded by a band of music, with colours flying, marched along Pall-Mall, and stopped fronting the palace, where they gave three loud huzzas, and the music began to play; this alarmed the guards, who marched out to the gate with their bayonets fixed; but the company marched on peaceably for Brentford, and the soldiers returned into the barracks.

Previous to the election, above 100 gentlemen voluntarily offered to take the poll for Mr. Wilkes; and the services of forty were accepted.

The whole was conducted with great tranquility and regularity; after the poll was over, a number of horsemen, with colours flying and music playing, attended by several thousand

thousand people, went through St. James's-Street, the Strand, and over London-Bridge, to the King's-Bench, to congratulate Mr. Wilkes on his success.

At night all the inhabitants of the principle streets illuminated their houses, the bells of several churches were rung, and every measure exhibited, to testify their joy on the occasion, which was concluded with great prudence and decorum.

Mr. Wilkes's address of thanks

To the Gentlemen, Clergy, and Freeholders of the County of Middlesex.

GENTLEMEN,

THE manly perseverance, with the calm, but undaunted spirit of your conduct, this day, in support of the freedom of election, has crowned the just expectation of the public, and will for ever endear you to your countrymen. The honour I receive in being the fourth time elected your representative to the great council of the nation affects me in the most sensible manner. My gratitude shall appear in a way, worthy of such constituents, worthy of such a cause. Animated by your example, and warmed like you with the holy flame of freedom, I shall on every great occasion devote myself to the good of the people, and the preservation of public liberty. In this cause I will act under your auspices to the last moment of my life, fearless of danger in behalf of a nation, which knows the inestimable value of the fundamental rights and liberties of the body of the people, and has frequently cemented them with the blood of her heroic sons, of her truest patriots.

If

If any further violence should frustrate the effect of this day's proceedings, your steadiness, Gentlemen, in support of a free election, must, at last, succeed. This kingdom is too jealous of its noble privileges, and is inspired with too active courage, to surrender that right to the present or any future administration, or meanly to acquiesce in being deprived of it. While the British constitution preserves its antient form or spirit, you will have always in the House of Commons a representative of your own voluntary choice. You have withstood the various attacks of a dangerous ministry, and your vigorous defence of your just claims has rendered all their attempts fruitless. Every act of power and artifice of corruption have hitherto failed against your steady virtue. The same conduct regularly pursued, must, in the end, ensure you success. The privileges of this free nation will be restored and confirmed. You will be revered as the patrons of our rights, and every future age will pay to you the grateful tribute, that the liberty of England in a most essential point was secured against the repeated attacks of ministerial despotism, by the perseverance, firmness, and fortitude of the freeholders of Middlesex.

I shall always remain,

GENTLEMEN,

Your grateful and obedient

King's-Bench Prison,

Humble servant,

Thursday Night, April 13.

JOHN WILKES.

In the evening of the 15th of April, the House of Commons, after very considerable debates, determined that Mr. Wilkes was still incapable of being elected one of the members of that house; and that Colonel Luttrell should be fitting member for the county of Middlesex. In consequence of which determination the next day he took the necessary

oaths and his seat in the House of Commons, as Knight of the Shire for that county.

The freeholders of Middlesex, finding themselves thus deprived of their right of election, immediately set about the necessary means for the recovery of their lost privileges. In order to accomplish this end, in the evening papers of the same day of Mr. Wilkes's expulsion, the following advertisement was inserted, requesting a meeting for that purpose:

M I D D L E S E X.

THE freeholders of this county, are desired to meet on Monday next, at the Mile-End assembly room, at eleven in the morning, to consider of the necessary constitutional measures to be pursued to maintain their RIGHT of representation.

Accordingly several meetings were held at the assembly room, Mile-End; the principal of which was on the twenty-eighth of April, when it was resolved, — That John Glynn, Esq. Walpole Eyre, Esq. George Bellas, Esq. James Adair, Esq. John Sawbridge, Esq. James Townshend, Esq. the Rev. Dr. Wilson, George Prescott, Esq. Arnold Wallinger, Esq. and Francis Ascough, Esq. be desired to wait upon his Majesty with a petition, which was read to, and approved by, all the freeholders. Mr. Townshend desired that it might be understood, that no other freeholder should attend the delivery of this petition; because it might give a pretence to administration, to misrepresent to his Majesty, an act of their innocent curiosity as tumult, insurrection, and open rebellion.

This petition was, on the 25th of May, presented to his Majesty at St. James, by the following gentlemen:

Mr.

Mr. Serjeant Glynn, Mr. Sawbridge, Mr. Townshend, Mr. Bellas, Mr. Ellis, Mr. Ascough, and the Rev. Dr. Wilson, but the reception it met with there was as *cool* as the sentiments expressed in it were altogether *warm*: which as they are of a very singular nature, and of the highest importance to the liberty of the subject, the insertion of them here cannot fail of being acceptable to the reader.

To the KING's Most Excellent Majesty,

The HUMBLE PETITION of the FREEHOLDERS
of the County of MIDDLESEX.

Most Gracious Sovereign!

WE, your Majesty's dutiful and loyal subjects, the Freeholders of the county of Middlesex, beg leave, with all affectionate submission and humility, to throw ourselves at your royal feet, and humbly to implore your paternal attention to those grievances, of which this county and the whole nation complain, and those fearful apprehensions with which the whole British empire is most justly alarmed.

With great grief and sorrow, we have long beheld the endeavours of certain evil-minded persons, who attempt to infuse into your royal mind notions and opinions of the most dangerous and pernicious tendency, and who promote and counsel such measures as cannot fail to destroy that harmony and confidence, which should ever subsist between a just and virtuous Prince and a free and loyal people.

For this disaffected purpose, they have introduced into every part of the administration of our happy, legal constitution, a certain unlimited and indefinite discretionary power; to prevent which is the sole aim of all our laws, and was the

sole

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sole cause of all those disturbances and revolutions, which formerly distracted this unhappy country; for our ancestors, by their own fatal experience, well knew, that, in a state where discretion begins, law, liberty, and safety end. Under the pretence of this discretion, or, as it was formerly and has been lately called — Law of State — we have seen

English subjects, and even a member of the British legislature, arrested by virtue of a GENERAL WARRANT, issued by a Secretary of State, contrary to the law of the land —

Their houses rifled and plundered, their papers seized, and used as evidence upon trial —

Their bodies committed to close imprisonment —

The Habeas Corpus eluded * —

Trial by jury discountenanced, and the first law-officer of the crown publicly insinuating that juries are not to be trusted † —

Printers punished by the ministry in the supreme court without a trial by their equals; without any trial at all —

The remedy of the law for false imprisonment barred and defeated —

The plaintiff and his attorney, for their appeal to the law of the land, punished by expences and imprisonment, and

* The four complaints here first specified, relate to the cruel treatment Mr. Wilkes received from the Earls of Egremont and Halifax; for the account of whose proceedings we refer the reader to Vol. I. pages 78, 79, 80, 81, 82, 84, 85, 86, 89, 90, and 190.

† This alludes to the Attorney-General, who, in the course of his speech in the House of Commons against the petition of Mr. Wilkes, declared —

That if LEGAL evidence was NOT sufficient for him to convict a man, he thought himself JUSTIFIED in procuring ILLEGAL evidence, as juries, he said, were not to be trusted. This was likewise the opinion of Lord Mansfield; for, in order to injure the reputation of juries, he has been heard publicly to declare, — That the trial by jury would be the very worst of all, were it not for the controuling power of the Judges.

and made by forced engagements to desist from their legal claim *—

A writing determined to be a libel by a court where it was not cognizable in the first instance; contrary to law, because all appeal is thereby cut off, and inferior courts and juries influenced by such predetermination—

A person condemned in the said court as the author of the supposed libel unheard, without defence or trial †—

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Unjust

* In allusion to the case of Aylett the attorney, and his client: the particulars of which are as follow. When Mr. Wilkes was brought from the King's-bench prison to the House of Commons, an order was issued out for the Justices to attend the two houses to keep the peace. On this occasion one of the Justices seized a young man for obstructing, as he pretended, the passage to the House of Lords, and committed him to custody; but the young man having good evidence to prove his innocence, the Justice was glad to dismiss him at any rate. After his enlargement, he employed Mr. Aylett, an attorney, to prosecute the Justice for *false imprisonment*. The Justice, instead of putting in, as he ought to have done, an appearance to the *Capias*, waiting the issue of a trial, and after conviction bringing a writ of error before the House of Lords, petitioned their Lordships for protection in the first instance. The Lords summoned the attorney and client to appear before them, and forced the latter to sign a bond, obliging himself to withdraw his prosecution against the Justice, and committed the attorney to Newgate, where he remained a few weeks, and then was discharged upon petition and asking pardon upon his knees.

† These two refer to the introduction written by Mr. Wilkes, to Lord Weymouth's letter, and inserted in the St. James's Chronicle, for both of which see note in page 230, Vol. I. and note in page 287, Vol. II. His Lordship considered the affront as offered to himself, and declared in the House of Lords, that he was the person aimed at in the introduction, though his name was omitted at the bottom of the letter. Accordingly the printer of the St. James's Chronicle was sent for to the House; but happening that evening to be at the play, he could not attend till the next morning. When he appeared, the Chancellor told him, that if he expected any lenity from that honourable House, he must directly acquaint their Lordships who was the

Unjust treatment of petitions, by selecting only such parts as might be wrested to criminate the petitioner, and refusing to hear those which might procure him redress. —

The thanks of one branch of the legislature proposed by a minister to be given to an acknowledged offender for his offence, with the declared intention of screening him from law.

Attachments wrested from their original intent of removing obstructions to the proceedings of law, to punish, by sentence

the author of that introduction. Mr. Baldwin was not wanting in respect to so honourable an assembly; for as if he had privately got previous notice what their lordships wanted, he took care to bring along with him the necessary information. Nay, he did more. He not only produced the copy of the letter and introduction in question; but he likewise begged their Lordships acceptance of a packet, containing copies of several essays, with which Mr. Wilkes had formerly favoured him, and thus shewed his gratitude to a gentleman, by whose correspondence and that of his friends, Mr. Baldwin's paper was first brought into any degree of credit. But to proceed: their lordships resolved, that the introduction was an insolent, scandalous, and seditious libel, tending to inflame and stir up the minds of his Majesty's subjects to sedition, and to a total subversion of all good order and legal government. This resolution was immediately followed by a similar one from the Commons, and was made a pretence for the expulsion of Mr. Wilkes from that House on the second day of February last. The freeholders of Middlesex surely ought to thank Mr. Baldwin for his steady attachment to the interest of his benefactor, and for the noble and undaunted stand he made in support of the liberty of the press.

This alludes to Mr. Wilkes's petition to the House of Commons at the beginning of the late session of parliament, complaining of ten grievances, two only of which were allowed to be heard. See his petition, p. 245. Vol. I.

† This respects George Onslow, Esq. who seeing a milk-boy sticking up Oliver Cromwell's speech, immediately apprehended him and put him into custody, which transaction, as it was done without a warrant, was absolutely illegal. The milk-boy hereupon was afterwards ordered before the House

sentence of arbitrary fine and imprisonment, without trial or appeal, supposed offences committed out of court —

Perpetual imprisonment of an Englishman without trial, conviction, or sentence, by the same mode of attachment, wherein the same person is at once party, accuser, judge, and jury* —

Instead of the ancient and legal civil police, the military introduced at every opportunity, unnecessarily and unlawfully patrolling the streets, to the alarm and terror of the inhabitants —

The lives of many of your Majesty's innocent subjects destroyed by military execution —

Such military execution solemnly adjudged to be legal † —

Murder abetted, encouraged, and rewarded —

The civil magistracy rendered contemptible by the appointment of improper and incapable persons —

The civil magistrates tampered with by administration, and neglecting and refusing to discharge their duty ‡ —

Mobs and riots hired and raised by the ministry, in order to justify and recommend their own illegal proceedings, and to prejudice your Majesty's mind by false insinuations against the loyalty of your Majesty's subjects —

The

House of Commons, and, for this heinous offence, committed to Newgate, and discharged some time after on petition and asking pardon. The ministry suspecting a prosecution would be commenced against the Colonel for this outrage, it was proposed by Lord North that the thanks of the House should be given to him, in order to screen him from that law, which he had so shamefully violated.

* This relates to Bingley the Bookseller.

† In the trial of Justice Gillam at the Old Bailey.

‡ Alluding to Lord Weymouth's advising Justice Ponton, on the 10th of May, to call in the assistance of the army, in St. George's-Fields.

The freedom of election violated by corrupt and undue influence, by unpunished violence and murder —

The just verdicts of juries, and the opinion of the judges, over-ruled by false representations to your Majesty; and the determinations of the law set aside by new, unprecedented, and dangerous means; thereby leaving the guilty without restraint, and the injured without redress, and the lives of your Majesty's subjects at the mercy of every ruffian protected by administration —

Obsolete and vexatious claims of the crown set on foot for partial and election purposes * —

Partial attacks on the liberty of the press: the most daring and pernicious libels against the constitution, and against the liberty of the subject, being allowed to pass unnoticed; whilst the slightest libel against a minister is punished with the utmost rigour † —

Wicked attempts to increase and establish a standing army, by endeavouring to vest in the crown an unlimited power over the militia; which, should they succeed, must, sooner or later, subvert the constitution, by augmenting the power of administration in proportion to their delinquency —

Repeated endeavours to diminish the importance of members of parliament individually, in order to render them more dependent on administration collectively. Even threats have been employed by ministers to suppress the freedom of debate; and the wrath of parliament denounced against measures authorized by the law of the land —

Resolutions

* The case of his Grace the Duke of Portland.

† See the productions of Silurus, Anglo-Saxon, Pericles, Poetikastos, &c. who are evidently hired with the public money to write against the liberties of the people.

Resolutions of one branch of the legislature, set up as the law of the land, being a direct usurpation of the rights of the two other branches, and therefore a manifest infringement of the constitution—

Public money shamefully squandered and unaccounted for, and all inquiry into the cause of arrears in the civil list prevented by the ministry—

Inquiry into a pay-master's public accounts stopped in the Exchequer, though the sums unaccounted for by that pay-master amount to above forty millions sterling—

Public loans perverted to private ministerial purposes—

Prostitution of public honours and rewards to men who can neither plead public virtue nor service—

Irreligion and immorality, so eminently discountenanced by your Majesty's royal example, encouraged by administration both by example and precept—

The same discretion has been extended by the same civil counsellors to your Majesty's dominions in America, and has produced to our suffering fellow-subjects, in that part of the world, grievances and apprehensions similar to those of which we complain at home—

Most Gracious Sovereign!

Such are the grievances and apprehensions which have long discontented and disturbed the greatest and best part of your Majesty's loyal subjects. Unwilling, however, to interrupt your royal repose, though ready to lay down our lives and fortunes for your Majesty's service, and for the constitution as by law established, we have waited patiently expecting a constitutional remedy by the means of our own representatives; but our legal and free choice have been repeatedly rejected, and the right of election now totally taken from us by the unprecedented seating of a candidate who was never chosen by the county, and who, even to

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become a candidate, was obliged fraudently to vacate his seat in parliament, under the pretence of an insignificant place, invited thereto by the prior declaration of a minister, that whoever opposed our choice, though with but four votes, should be declared member for the county. We see ourselves, by this last act, deprived even of the franchises of Englishmen, reduced to the most abject state of slavery, and left without hopes or means of redress but from your Majesty or God.

Deign then, most gracious Sovereign, to listen to the prayer of the most faithful of your Majesty's subjects, and to banish from your royal favour, trust and confidence, for ever, those evil and pernicious counsellors, who have endeavoured to alienate the affection of your Majesty's most sincere and dutiful subjects, and whose suggestions tend to deprive your people of their dearest and most essential rights, and who have traiterously dared to depart from the spirit and letter of those laws which have secured the crown of these realms to the house of Brunswic, in which we make our most earnest prayers to God, that it may continue untarnished to the latest posterity.

(Copy)

Signed by 1565 Freeholders

Monday, April 17, the ten months imprisonment of Mr. Wilkes, for re-publishing the NORTH BRITON, No. XLV, expired. The following is a copy of the receipt given on the payment of the fine lain upon him for that offence.

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become a candidate, was obliged to vacate his
RECEIVED, 17th day of April, 1769, of John Wilkes,
Esq. by the hands of John Reynolds, his Attorney, the
sum of five hundred pounds, of lawful money of Great-Britain,
being the sum ordered by the court of King's-Bench to be paid
by the said John Wilkes to our sovereign Lord the King, for
printing and publishing a certain libel intitled the **NORTH
BRITON**, No. **XLV**. I say, received the same for the
use of our said Lord the King,

Witness my hand and seal, this 17th day of April, 1769.
JAMES BURROW.
Thomas Trundle.

On Friday, April 21, about seven o'clock in the evening,
Mr. Wilkes was brought by a Habeas Corpus from the
King's-Bench prison to Lord Mansfield's chambers in Ser-
jeant's-Inn, in Chancery-Lane, in surrender of his bail to
the several civil actions which had been brought against
him, as during the time he was a candidate for member
for the city of London, and his first election for Middlesex,
he was several times arrested for debt; this made it neces-
sary for him to give bail, in order to retain his liberty, that
he might canvass, and be present at the elections. After
he was committed, on account of the criminal prosecutions,
the persons who brought these suits against him, proceeded
in their actions, and, at length, obtained final judgments.
In consequence of this, it became necessary either to dis-
charge the debts, or surrender his body, to save the bail
from being immediately subject to attachments. This could
not be done but by bringing Mr. Wilkes before a Judge,
by Habeas Corpus, giving notice to the creditors, that his
body would then be produced there, that they might charge
him in execution, if they thought proper.

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A very great number of people waited in Chancery-Lane for his coming out of Serjeant's-Inn, and the coach he went into being ordered to drive through the Strand, the populace followed him with loud huzzas, and at St. Clement's church they took the horses from the coach in order to draw it themselves; upon which Mr. Wilkes flipt out of the coach, went into the Crown-and-Anchor tavern, and made his escape in another coach from the door in Arundel-Street, to avoid any mischief that might arise from the mob.

It is remarkable that when Mr. Wilkes took refuge at the above tavern, the moment he opened the glass door in the passage to go in, he met Mr. Martin, the gentleman whom he fought a duel with some time ago*: they behaved with great politeness to each other, and parted very good friends.

On Tuesday, April 25, a court of Aldermen was held at Guildhall, when the opinion of the several Council appointed to consider of the eligibility of Mr. Wilkes's being admitted Alderman of Farringdon Without, was laid before the court. The following is a list of the Aldermen who voted for and against his being sent for to take upon him that office, in consequence of the opinion of the majority of the Council that he was eligible for it:

Aldermen FOR sending for Mr. Wilkes.	
William Beckford, Esq.	Sir William Stephenson, Kt.
Barlow Trecothick, Esq.	Brass Crosby, Esq.
Richard Peers, Esq.	John Kirkman, Esq.

Aldermen

* See the particulars of this duel in Vol. I. page 95.

Aldermen AGAINST sending for him.
 Sir Robert Ladbroke, Knt. Robert Allop, Esq.
 Sir Thomas Rawlinson, Knt. Sir Richard Glyn, Bart.
 Sir Robert Kite, Knt. Rt. Hon. Thomas Harley.
 Sir Henry Bankes, Knt. William Nash, Esq.
 William Nash, Esq. Samuel Plumb, Esq.
 Brackley Kennett, Esq.

On Tuesday, June 6, upwards of sixty Members of a society under the title of SUPPORTERS OF THE BILL OF RIGHTS, met at the London Tavern, Bishopsgate-Street, when an account of Mr. Wilkes's debts was delivered in, which amounted to seventeen thousand pounds; seven of which had been before compromised by the society; and it was hoped, by the contributions which might arise from a circular letter, that they should be able to compromise the whole before the next meeting, a committee having been appointed for that and other business. The circular letter was, at the same time, read and approved of by the chairman; and was then agreed to be sent to the gentlemen of the minority, who were requested to promote it to the utmost of their power in the different counties where they resided, and was also to be sent to all the cities and borough towns in England, with Mr. Wilkes's case written by himself, and the letter to be signed by the society. At this meeting seven new members were admitted, who subscribed very handsomely.

Thursday June 8, The ancient and honourable family of Leeches presented John Wilkes, Esq. with an emblematical medal of their order curiously designed, viz. a silver crescent, on the body of which the arms of the family are

engraved; the edge is ornamented with a laurel, enamelled green; in the vacuity is a gold medal, finely chased, representing Mr. Wilkes in a suppliant posture, offering himself a victim at the shrine of liberty; a female figure of providence standing on his right-hand, drawing from the sacrifice with one hand, and presenting a wreath of laurel to him with the other. On the other side the altar, the goddess Liberty in tears at the position of Mr. Wilkes; at her feet the arms of England, denoting her to be the guardian of our isle; and at the foot of the altar Posterity, represented by a child sitting on Magna Charta, imploring the assistance of providence. On the reverse the following inscription:

To JOHN WILKES, Esq.

Knight of the Shire for the county of MIDDLESEX,
And Alderman of the city of LONDON,

Initiated a member, and invested Chief Counsellor of the
Ancient family of LEECHES,

The 9th of March, 1769;

As a token of their approbation of his
Patriotic conduct

In the glorious cause of LIBERTY,

This Badge of Office is presented

By the MOST NOBLE GRAND LEECH,

The Council and Brethren,

Of the supreme and legislative court of that fraternity.

June 26, a court of Aldermen was held for the choice of Sheriffs, when a petition to the throne, for redress of grievances, was proposed to the Lord Mayor by the Livery, which, as it relates in some particulars to the proceedings against Mr. Wilkes, and, joined to that of the Freeholders

of

of Middlesex, includes almost every grievance complained of in those brought from different parts of the country, we insert it under its proper date. From this consideration, the reader, we hope, will excuse the insertion of any more than these two, as it would be deviating too much from the principal subject of these volumes, as AN ACCOUNT OF THE PROCEEDINGS AGAINST MR. WILKES.

The petition of the Livery of London was presented to his Majesty at St. James's on the fifth of July, by the Lord Mayor, the Sheriffs, and three of the city members, viz. William Beckford, Esq. Barlow Trecothick, Esq. and Sir Robert Ladbroke; and is as follows:

To the KING's Most Excellent Majesty,

The HUMBLE PETITION of the LIVERY of the City of LONDON, in Common Hall assembled.

Most Gracious Sovereign!

WE your Majesty's most dutiful and loyal subjects, the Livery of the city of London, with all the humility which is due from free subjects to their lawful Sovereign; but with all the anxiety which the sense of the present oppressions, and the just dread of future mischiefs, produce in our minds, beg leave to lay before your Majesty some of those intolerable grievances which your people have suffered from the evil conduct of those who have been entrusted with the administration of your Majesty's government; and from the secret unremitting influence of the worst of counsellors.

We should be wanting in our duty to your Majesty, as well as to ourselves and our posterity, should we forbear to represent to the throne the desperate attempts which have been, and are too successfully made, to destroy that constitution, to the spirit of which we owe the relation which subsists between your Majesty and the subjects of these realms, and to subvert those sacred laws, which our ancestors have sealed with their blood.

Your ministers, from corrupt principles, and in violation of every duty, have, by various enumerated means, invaded our invaluable and unalienable right of trial by jury.

They have, with impunity, issued general warrants, and violently seized persons and private papers.

They have rendered the laws non-effective to our security, by evading the Habeas Corpus.

They have caused punishments, and even perpetual imprisonment, to be inflicted, without trial, conviction or sentence.

They have brought into disrepute the civil magistracy, by the appointment of persons who are, in many respects, unqualified for that important trust, and have thereby purposely furnished a pretence for calling in the aid of the military power.

They avow, and endeavour to establish, a maxim, absolutely inconsistent with our constitution — that “an occasion for effectually employing a military force always presents itself, when the civil power is trifled with or “insulted;” and by a fatal application of this maxim, they have wantonly and wickedly sacrificed the lives of many of your Majesty’s innocent subjects, and have prostituted your Majesty’s sacred name and authority, to justify, applaud, and recommend their own illegal and bloody actions.

They have screened more than one murderer from punishment, and in its place have unnaturally substituted reward.

They

They have established numberless unconstitutional regulations and taxations in our colonies. They have caused a revenue to be raised in some of them by prerogative. They have appointed civil law judges to try revenue causes, and to be paid from out of the condemnation-money.

After having insulted and defeated the law on different occasions, and by different contrivances, both at home and abroad, they have at length completed their design, by violently wresting from the people the last sacred right we had left, the right of election, by the unprecedented seating of a candidate, notoriously set up and chosen only by themselves. They have therefore taken from your subjects all hopes of parliamentary redress, and have left us no resource, under God, but in your Majesty.

All this they have been able to effect by corruption; by a scandalous misapplication and embezzlement of the public treasure, and a shameful prostitution of public honours and employments; procuring deficiencies of the civil list to be made good without examination; and, instead of punishing, conferring honours on a Pay-master, the public defaulter of unaccounted millions.

From an unfeigned sense of the duty we owe to your Majesty, and to our country, we have ventured thus humbly to lay before the throne those great and important truths, which it has been the business of your ministers to conceal. We most earnestly beseech your Majesty to grant us redress. It is for the purpose of redress alone, and for such occasions as the present, that those great and extensive powers are entrusted to the crown by the wisdom of that constitution, which your Majesty's illustrious family was chosen to defend, and which we trust in God it will for ever continue to support.

The two following pieces being the *supposed* productions of Mr. Wilkes, they are here admitted at length, and we hope the reader will not think them unworthy his most serious attention, especially as they are fired with the same zeal, expressed with the like earnestness, and wrote with that easy freedom of style which has always distinguished the writings of that gentleman.

To the ELECTORS of Great-Britain in general,

AND TO THE

Freeholders of the County of Middlesex in particular

GENTLEMEN,

Warm love of my country, and a just sense of my duty to you, will not suffer me to remain silent after an event so fatal to the liberty of this kingdom, as the late atrocious violation of your right of representation. The ministry have at length effected a total subversion of the constitution, an absolute dissolution of that fair and equal system of power, by which we have hitherto been, and alone can be, legally governed. Acts of parliament are now framing, and will soon have the force of laws, without the consent of the Commons of this realm, in open defiance of the rights of the people, who owe no obedience to any law, to which they have not assented by their representatives.

THE PRESENT HOUSE OF COMMONS IS NOT A HOUSE OF PARLIAMENT; They have NO LAWFUL POWER OR AUTHORITY, for they are not chosen BY THE PEOPLE. It is the very essence of a

House

House of Commons to be the just and full representative of *all* the electors of this kingdom. The first county in England has only one *legal* representative in this parliament. The other gentleman is seated there by *violence*, by a vote of the House, against the consent of the majority of the freeholders, by which the liberty of England is shaken to its very foundation. Although confined in a prison, I will neither be inactive, nor wanting to the cause, for I cannot quietly submit to a national *injustice* and *outrage*. I will implore, exhort, and urge my countrymen to recover their birth-right, wrested from them by the sacrilegious hands of a *despotic administration*. They triumph in their late success over you. An *unprincipled* majority in the *House of Commons* have the presumption to make themselves the *electors* of Great-Britain. Forgetting the nature of their trust, and regardless of their duty to their constituents and to the public, whose servants they are, they abuse the power derived from you to become, not your *masters*, but your *tyrants* and *robbers*. They vainly hope to break and subdue the national spirit and courage, but, as a *minority*, they cannot fail of being crushed by the *people* whom they have injured, and of becoming the victims of so insolent and wicked an attempt. Instead of bewailing the miseries we suffer from *their* tyranny, I will endeavour to point out the remedy to all our evils, and I trust that I shall be more than forgiven, when I entreat your attention to a mode of redress, which to me appears strictly constitutional.

Parliaments were instituted to frame wise and salutary laws, to provide for the exigencies of government, to be the guardians of the liberties of the commons, to oppose the encroachments of the crown, to keep arbitrary ministers in awe, and to redress the grievances of the people. We have seen in our times that a commerce of *corruption* has grown up between the *ministers* and the *representatives*,

by

by which these great ends have been defeated, and the meetings of parliaments become alarming and dangerous. The members have been only the instruments to fleece the people, in order to share your spoils with the ministers of the crown. The connection between the present administration and the lower House is more than suspected. The proofs have appeared through the last winter to the conviction of the whole nation. The dictates of the minister have always been implicitly obeyed. Every violent measure has had the APPROBATION OF A MAJORITY IN THE HOUSE OF COMMONS. I will state a

few facts. They refused to consent to any enquiry into the several murders in St. George's-Fields on the tenth of May, 1768, because the ministry dreaded the punishment of such flagrant crimes, committed by their order.

The debts of the civil list, amounting to above half a million sterling, were contracted in a very few years, to the prejudice of the subject, and of the dignity of the crown, while we were daily insulted with the parade of a mean and ridiculous economy, and the immense sums of money, arising from the grant of that revenue, lavished in the support of a favourite and his ministerial agents.

That enormous arrear was, in an unparliamentary manner, before a single account could be laid before the House, after a refusal to consider of the causes of so vast a debt, voted by order of the minister to be paid by the public.

No time was allowed to inform the people of so important a measure.

The demand was made the last day of February, and that amazing sum voted on the second of March, because the ministry wanted the money immediately, and were afraid of your just resentment, if the accounts should declare to you in what manner those debts had been contracted.

The

The unhappy divisions between Great-Britain and her colonies have been fomented by the arbitrary conduct of the same administration.

An obsolete act of Henry the eighth against papists, passed before we had any colonies, is now construed by them to extend to our protestant brethren in America.

The most cruel grievances at home have met with no redress.

A petition of the much-injured Mr. WILKES, complaining of many public wrongs and oppressions, particularly of the evasion of that great bulwark of our liberties, the *Habeas Corpus* act, and the alteration of the records, was refused to be heard, except in two points, after he had been put to a very considerable expence for the attendance of witnesses to prove the whole, by the express order of the House of Commons.

The account of the public money issued against him was not suffered to be produced; and even the alteration of the records has been justified by a vote of the majority.

The petition of William Bingley, the bookseller, complaining of the illegal proceedings of the court of

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King's-Bench

To the Honourable the Commons of Great-Britain, in Parliament assembled.

The humble petition of William Bingley, Bookseller;

S H E W E T H,

T H A T your petitioner, in the month of May last, was the publisher of a paper, intituled the North-Briton, No. L. which incurred the displeasure of his Majesty's court of King's-Bench, and for which that court directed your petitioner to be attached, until he should answer to certain interrogatories to be exhibited to him.

That, as your petitioner was not an officer or practitioner in that court, nor was charged with any contempt to the face or orders of that court, your petitioner was advised, that the proceeding against him, in the summary way of attachment, was illegal; for that, by granting the attachment, the court had set on foot a prosecution for an offence, which they had deter-

mined

King's Bench has been totally rejected, himself unheard, and left, in direct contradiction to the principles of the constitution, and the mild spirit of our free government, to linger out a miserable life in prison for *not* breaking the law, and for insisting on his right of trial by *jury*; while *murderers*, tried, convicted, and condemned *murderers*, have been *pardoned*, and LIKE OTHER TOOLS OF THE MINISTRY, pensioned out of the PUBLIC MONEY.

To complete their plan of iniquity, they have now destroyed the freedom of election.

mined to be criminal, and your petitioner guilty; which your petitioner would have submitted, together with his reasons, but the court refused to hear them, which induced your petitioner to submit them to the court and the public, in a North-Briton, No. LI. and thus his defence was made a new cause of accusation, and an attachment also, in like manner, granted for this defence, and your petitioner committed a prisoner to Newgate, where he continued near three months, and afterwards to the King's Bench prison, where he now lies.

That your petitioner humbly submits to this honourable House, that these are criminal prosecutions, and that he ought not by law to be compelled to answer interrogatories tending to accuse himself; neither ought he to be compelled to become an informer; and that your petitioner has made oath, that he will not voluntarily inform, or give evidence relative thereto, otherwise, than in a due course of legal trial.

That under these circumstances, your petitioner is now confined for his life, without the interposition of his Majesty, or this honourable House, and that without any trial, conviction, or sentence. And your petitioner humbly submits, that as by law he is not bound to accuse himself, and in conscience bound not voluntarily to give up any person who shall have employed him, he is a prisoner for life for not acting against law and conscience in a matter, which, if he should voluntarily betray, he would deserve no credit whatever.

Your petitioner, therefore, humbly submits the whole of his unhappy case to the wisdom and justice of this honourable House, and humbly hopes that he shall not remain a perpetual prisoner without a trial, conviction, or sentence. And your petitioner, as in duty bound, will ever pray.

From the King's Bench prison,

the 30th of March, 1769.

W. BINGLEY.

By these measures the present House of Commons have thus early lost not only the *confidence*, but the *universal favour and good opinion* of the numbers they represent.

Instead of approving themselves the *guardians* of our liberties, they have been the *perfidious betrayers* of our rights.

A *selfish and corrupt* MAJORITY have sacrificed the public to their own *private advantage*, and are become the instruments of a ministerial despotic power.

Instead of *redressing* grievances, they have *justified* them; and when they ought to have *punished*, they have *applauded* and *screened* the offenders.

The life, the liberty, the property of the subject, have been the prey of the *present administration*, and the *guardians* of the constitution have looked on these horrid scenes with *indifference*.

One only hope, Gentlemen, remains to us in this forlorn and distracted state. It is in the *goodness* of our most gracious Sovereign, who, like all the former Princes of the Brunswick line, is a lover and patron of LIBERTY. Let public meetings of the electors be called in every part of the kingdom. Let humble addresses be prepared, and let your grievances be carried in a dutiful and submissive manner to the foot of the throne, to the beloved King and Father of us all. He will graciously hear and redress our grievances and oppressions. The BILL OF RIGHTS declares, *That it is the right of the subject to petition the King.*—I am persuaded that you will not petition in vain. He will not be deaf to the cries of his people. The constitution has given our Sovereign the power of *dissolving parliaments*, and of removing every officer of state. Supplicate his Majesty to *change the present malignant ministry*, who have *abused* the power delegated to them, and to *dissolve a parliament*, whose repeated breaches of trust

have rendered them contemptible and odious to the whole nation.

The few, who have preserved their integrity, will rejoice at this *fresh* appeal to their constituents: you will have an opportunity of bearing your testimony to their public virtue by *re-electing* them. The *majority*, after being rejected with contempt, will, with their seats, immediately lose the power of doing further mischief. **THIS COUNTRY CAN ONLY BE SAVED BY THE EXTINCTION OF THE PRESENT PROFLIGATE AND PROSTITUTE HOUSE OF COMMONS,** by a *new* and *fresh* choice of our representatives. A *general election* is the only effectual remedy, and I hope it will be *immediate*. If you succeed in your humble supplications to the throne, justice will soon be done to your violated rights and liberties, the hands of government will be strengthened, and peace will return to a disunited and divided nation. If your grievances are not redressed, you must, like free-born Englishmen, SEEK THE REMEDY IN YOUR OWN CONDUCT AND COURAGE. Your ancestors were always famous and foremost in the cause of **FREEDOM**. **MAGNA CHARTA** was purchased with their *best* blood, and after repeated violations by *tyrant* Kings became established as the inheritance of Englishmen. Even under the present dreadful gloom I will not despond, for the sacred rights of this country cannot be destroyed, while their descendants continue, like you, ready to devote their lives to the **PRESERVATION of PUBLIC LIBERTY.**

I have the honour to be,
With affection and regard,

GENTLEMEN,
Your faithful and obedient

J. Bristol, Humble servant,

May 1, 1769. **JOHN FREEMAN.**

To

To the GRAND JURIES OF ENGLAND.

THE trust and power, Gentlemen, which the constitution of your country hath given you, is second only in weight and importance to the legislature itself. The life of every subject is in your hands, and the preservation of the public peace, of our common liberty and of our excellent form of government, are peculiarly your duty. You are selected from the body of each county for that important service. I address you at this time, because you have now the first public meeting since the last session of parliament. The concluding act of that session in the House of Commons, nearly interests every one of you, as Englishmen, and as Freeholders. Our right of representation, which is the only share allotted to us in the legislature of our country, has been violated, and that in the most deliberate manner, with respect to the county of Middlesex. I will state the fact from the VOTES. Mr. Wilkes was on the 13th of last April, returned a Knight of the Shire for that county. The numbers on the poll are admitted to be for Mr. Wilkes 1143, for Mr. Luttrell 296. Mr. Wilkes WAS NOT DISQUALIFIED by ANY law of the land. Is it possible after this to believe that in the same page of the VOTES, *Mr. Luttrell is declared duly elected a Knight of the Shire to serve in this present parliament for the county of Middlesex?* Yet this is the fact: a fact big with injustice, of the most atrocious nature, not less oppressive to your brother Freeholders of Middlesex, than alarming to yourselves. What security can you have that a minister WILL NOT make a like attack on your several counties, if this

invasion of the rights of the Freeholders of Middlesex be
 not opposed with vigour? It is now too vain that the Free-
 holders of a county meet together, agreeably to the Great
 Charter of their freedom, that they exercise the noblest
 right and best franchise; the whole is become an use-
 less, troublesome, and expensive ceremony, rendered en-
 tirely abortive by the arts of a ministry. They cannot
 make a member of parliament. A majority of legal
 votes, does not now give a seat in the legislature. Our
 ancestors, indeed, had the man of their free choice, to
 speak their sense in parliament; but no such privilege is
 now left us. The form only of a free constitution re-
 mains. The spirit, the vigour, the rights of it are lost.
 The people no longer possess their just share in the balance
 of power established by law in this kingdom. Gentlemen, this is a common cause, in which every
 county, city, and borough, is equally interested. The
 franchises of all are equally at stake. A representative may
 be imposed who was never elected by the majority, and a
 man may be named by the administration, and sit in parlia-
 ment, only to be the echo to propagate their slavish doc-
 trines, and support measures no less repugnant to the
 known and fixed opinions of his pretended constituents,
 than to their clear and permanent interests. This is the actual grievance of the Freeholders of Mid-
 dlesex, and MAY soon be the general lot of other counties,
 unless the spirit of the nation relieve them, and save all
 the rest. If nothing be now done, and the county of
 Middlesex be tamely suffered thus to be robbed, of its nob-
 lest franchise, you will from this neglect provoke a like at-
 tack on your own. The precedent will be made use of
 against yourselves, till at length you will be driven to de-
 fend your own rights, which would not have been invaded
 if you had given the necessary and timely assistance to your
 brethren,

brethren, instead of remaining idle and unconcerned spectators of their oppression on a hill; it is now to be opposed with vigour. Our strength, Gentlemen, consists in being perfectly united among ourselves, and in a determined resolution to sacrifice our lives rather than our liberties. We are all one people, BORN FREE, and OUGHT to be governed by our own laws. The Freeholders of Middlesex are the first openly attacked in their most valuable rights.

Will you look on with indifference? They have in every lawful way, though hitherto in vain, sought a redress of this their intolerable grievance. They now bring their complaints to you, as Freeman, as Fellow countrymen, and at this time in the capacity of Grand jurymen, called together to enquire into the internal state of the kingdom. The petition to the House of Commons has been ineffectual. Their grievances still remain undressed. They have humbly and dutifully supplicated the throne, that petition to the King is now under the royal consideration. If it be supported by a like address from the other counties, cities, and boroughs, of this kingdom, no minister will dare to continue the present act of oppression. Justice will be done to an injured country. The Freeholders of Middlesex will owe to your regard for Liberty, the recovery of an inestimable, immemorial right. You will have the satisfaction of perfecting the security of it to yourselves and your posterity.

I am, GENTLEMEN, Your's, &c.

A MIDDLESEX FREEHOLDER.

Mr.

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Mr. Wilkes's Private Correspondence.

The following letter was wrote by Mr. Wilkes to his daughter the day after his commitment to the Tower, and sent it to the Earl of Halifax to be forwarded to Paris.

To Miss W I L K E S.

My dearest POLLY,

I Have now full leisure to pay my compliments to you, and entirely to relieve you from the anxiety your kind affection for me will necessarily give you at the hearing of my commitment to this place. Be assured that I have done nothing unworthy of a man of honour, who has the happiness of being your father. You shall never in life blush for me.

I am only accused of writing the last North Briton, yet my sword has been taken from me, all my papers have been stolen by ruffians, and I have been forcibly brought here. I have not yet seen my accusers, nor have I heard who they are. My friends are refused admittance to me. Lord Temple and my brother could not be allowed to see me yesterday. As an Englishman, I must lament that my liberty is thus wickedly taken away; yet I am not unhappy, for my honour is clear, my health good, and my spirit unshaken, I believe indeed, invincible. The most pleasing thoughts I have are of you, the most agreeable news I can hear, will be the continuance of your health.

I beg

I beg you not to write a word of public business, or of my public situation. — Can you get me made *membre du parlement de Paris*? For that of *Westminster* is losing all its privileges.

Continue to love me,
and believe me with the greatest warmth of affection,
Your obliged Father,

Tower, May 1, JOHN WILKES.
1763.

TO JOHN WILKES, Esq.

My dearest Mr. WILKES,

YOUR letter of December the 12th alarmed me, by hearing you had got such a dangerous fall off your horse. Moderate exercise is good, but dangerous exercise, such as riding a fiery horse, is not commendable; and if you would oblige Mrs. Wilkes, if you would oblige all your friends, and all good men, who conceive great hopes from you, you will be more cautious for the future. We have had a terrible instance in the news-papers lately of a man spoke wonderfully well of, who got his death by such a fall. — As to altering any thing in the address to you before the *appendix* *, I durst not do it without your participation, unless you had suggested something you would have had

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changed;

* In another letter he says, “ I have employed my time of late in considering the difference, or controversy, between the English and foreign philosophers concerning the force of bodies moving in free spaces, which in its consequences spreads far and wide through natural philosophy, I have shewn demonstratively that the experiments brought by the foreign philosophers

changed; and by this time I suppose it is published. If not, I beg you cause to be changed any thing you think proper. I wrote to Mr. Millar, after presenting some copies to gentlemen in London, to send down five copies of it to Lord Blantyre at Edinburgh, to be given to particular friends there, and I wish you would speak to him of it. — As to the state of my disease, unless I would make suppositions contrary to all probability, I have no reasonable hopes of recovery, the swelling which began at my legs, being now got up to my belly and head. I am a trouble to all about me, especially to my poor wife, who has the life of a slave night and day, in helping me to take care of a diseased carcass. Yet I may linger on a while, as I can still walk a little through the room, and divert myself now and then with reading, nay, and writing down my remarks on what I read. But I can with sincerity assure you (my most dear Mr. Wilkes) death has nothing terrible to me; or rather I look upon it with pleasure. I have long and often

philosophers to establish their new theory, are applicable entirely to the English computation, which they beautifully confirm and illustrate, and that these learned gentlemen have quite mistaken them. We talked much of this you may remember in the Capuchin's garden at Spa. I have finished the *prima cura* of it in the dialogue way: I design to inscribe it to my dear John Wilkes, whom, under a borrowed name, I have made one of the interlocutors. If you are against this whim (which a passionate love to you has brought me to bed of) I will drop it. In the mean time I shall publish an *appendix* to the *enquiry*, which you must give me leave to inscribe to you in the following manner: Sir, the subject of our conversation in the Capuchin's garden at Spa in the summer of 1745, lies still by me in the dress it was put in. I have not leisure at present to prepare it for the public view. In the interim I send you the following sheets, as a token of my sincere respect. It is a pleasure to think on the time we spent so agreeably together. I am, &c."

The *appendix* was afterwards published with the above dedication.

often considered, and written down, the advantages of a separate state. I shall soon know more than all the men I leave behind me; wonders in material nature and the world of spirits, which never entered into the thoughts of philosophers. The end of knowledge *there* is not to get a name, or form a new sect, but to adore the power and wisdom of the Deity. This kills pride, but heightens happiness and pleasure. All our rational desires, because rational, must be satisfied by a being himself infinitely rational. I have been long aware that nothing can go beyond the grave but the habits of virtue and innocence. There is no distinction in that world, but what proceeds from virtue or vice. Titles and riches are laid off, when the shroud goes on. But Oh! my dearest friend, I cannot conceal from you a topic of inexpressible pleasure. Punishment itself is pleasant. God does not punish out of anger and revenge, to destroy, as we wrathful men conclude, but to correct and make better. This is the true end of punishment. Boundless punishment would shew incontrollable power, but chastisement in proportion to our faults, shews the divine perfection of equity, and with a design to correct, not to throw us off, shews mercy. The end of God's punishing us therefore is our final happiness. Are not these comfortable topics at the approach of death? — Besides, what is it to be free from the pains and infirmities of the body? Though I am satisfied just now that the weakness of my distressed limbs is as much the immediate effect of the same power and goodness, as their growth and strength was sixty years ago. Dare I add a word without being thought vain? This is owing to my having reasoned honestly on the nature of that dead substance *matter*. It is as utterly inert when the tree flourishes, as when the leaf withers. And it is the same divine power differently applied, that directs the last parting throb, and the first drawing

drawing breath. O the blindness of those who think matter can do any thing of itself, or perform an effect without impulse and direction by immaterial power! As to party-philosophers who are for one side only, and contract a personal dislike to those who are not as stiff, they are to be pitied. I see them making their court to the heads of the party, and thus angling for a little reputation, at second-hand. It is astonishing, my dear Sir, that all men are forced to own, that *all matter necessarily resists a change of its present state, either of rest or motion*; And yet when they come to the genuine consequence of this, to wit, that the Deity performs immediately all that is done in the material universe, they retract the former self-evident truth, and ascribe to this *resisting substance*, both a self motive, and self determining power. I know not one book of natural philosophy, not one, free from this inconsistency. And though I be the only person, (for any thing I know) who has endeavoured to establish the particular providence of the Deity, and shew his incessant influence and action on all the parts of matter, through the wide universe, from the inactivity of this dead substance: yet I hope when the present party-zeal subsides a little, men will come more easily in to own such a plain truth. And from the same obvious principle a great many absurd notions in natural philosophy, concerning *powers in matter*, will be rejected.—I own, if it had been the will of heaven, I would have gladly lived, till I had put in order the second part of the *enquiry*, shewing the immortality of the human soul: but infinite wisdom cannot be mistaken in calling me sooner. *Our blindness makes us form wishes*. I have left seven or eight different manuscript books, where all the materials I have been collecting for near thirty years are put down without any order, in the book that came next to hand, in the place or circumstances I was in at the time. I took all these papers to

to Holland with me, thinking to put them in order there; but you know that was impracticable. And since I came home, I have been prevented, either with looking after country affairs, or want of health. There are a great many miscellaneous subjects in philosophy, of a very serious nature, few of them ever considered before as I know of; but (as I have hinted above) a short time of *separate existence* will make every good man look with pity on the deepest researches we make here, and which we are apt to be vain of. — Thus I have writ you every thing I had to say. It will be kind if you send me a last letter. I wish you and Mrs. Wilkes all possible prosperity: and though I cannot do you any service here, yet I hope our friendship shall never end.

Whittingham,

Jan. 29, 1750.

AND, BAXTER.

TO JOHN WILKES, Esq.

DEAR SIR,

YOU find me for once somewhat in the case of a fair young virgin, hardly able to withstand your solicitations, they are so warm and engaging, and yet afraid to comply with them, though pleasure must be the certain consequence. But the fair ones I believe you have always found at last consenting; and as they are most admirable precedents, so I follow their example. It is true, I ought to be ashamed of not complying without reluctance; (in that point indeed the young ladies and I a little differ) but you know the unhappy cause — some time next week then, I shall endeavour to wait on you at Aylesbury.

I scarce know a man in the world, whom I would go farther to see, or to whom I would sooner dedicate my time,

and myself. You need not, for my temptation, in the account you give me of the wonderful verdure of the rich vale of Aylesbury, and the fragrance of your bean-fields in full blossom, have described Arabia Felix, for I could readily have waited on you in the very desarts.

Dr. **** is the only one whom I know among the faculty, that composes tragedy. His brethren content themselves with barely furnishing subjects for it, widows and orphans.

I am, dear Sir,

Your faithful and obliged

Bath,

Humble servant,

May 20.

THO. BREWSTER.

TO JOHN WILKES, Esq.

DEAR SIR,

THERE is nothing I long for so much, as to be reading a chapter with you, at Aylesbury, in the old black letter. However hurtful you may find it to the eyes, I am persuaded your learned and pious expositions, will render it highly edifying and comfortable to the heart. I will therefore (God willing) fulfil yet my promise, and wait on you before this summer ends. That I do not set out immediately, I do assure you is not my fault, but merely my misfortune. Two or three anomalous patients unluckily detain me here at present; and when they will be pleased to release me, upon my word is more than I can tell, or even conjecture. It is a strange thing that people who have the whole year before them, to be sick in, can find no other part of it, for that purpose, but just the particular time when I should be enjoying the happiness of your company.

Whatever

Whatever may be the weather at Aylesbury, I have no doubt of meeting with gaiety and pleasure, when I meet with Mr. Wilkes.

And am, in the mean time,

His obliged friend,

Bath, And obedient servant,

June 30.

THO. BREWSTER.

To JOHN WILKES. Esq.

DEAR SIR,

THOUGH I am sitting down but now, to acknowledge the favour of your letter, I must nevertheless own I received it in due time; even on Christmas-day in the morning. The contents I hoped would have informed me, that you were soon following: but upon perusal, how grievous was the disappointment! Almost enough to sadden the most joyous of all seasons.

The Royal Society by taking the steps you mention, may happily once again favour us with a little common sense, which, among all the strange things they have for some time published, will itself, I should believe, be esteemed the strangest. But the more they reform, the less perhaps, they will entertain, which I wish may not be likewise the case of our reforming friend. However, If Mr. *** be in earnest so desperately resolved on matrimony, I heartily wish him all the happiness it can afford; and hope you are ready with his epithalamium. This indeed is a season, whose coldness admonishes us all to think of good warm wives. It makes me do so sometimes, among the rest: but a line or two of Horace, on the other hand, a little discourages,

Quæ

Quæ bellua ruptis,
Cam semel effugit, reddit se prava catenis? *

The French of our times, I find greatly surpass the Greeks of Juvenal's. Natio comoeda est †, even down to their very dogs: who indeed, by your account of those at the Haymarket, seem to be a most extraordinary race of puppies. Methinks it is pity but they should be well principled; and for that good end have governors and preceptors out of hand appointed them. You who have the saving of souls so very much at heart, I wonder you do not recommend them, either to the Promoters of Christian knowledge, or to the Propagators of the Gospel in foreign parts: who surely would not do amiss to consider that the greatest of all charities should begin at home.

To the wit and pleasure of this place, I am quite a stranger. For that I must therefore beg leave to refer you to the pen of Mr. ***, our gallant, gay Lothario.

I am, ever your's,

Bath,

THO. BREWSTER.

Jan. 6, 1755.

TO JOHN WILKES, Esq.

DEAR SIR,

YOUR letter found me under the apple-trees of Herefordshire, where I have now been above these three months, in such a solitude as I am only fit for. The truth

is,

* Thus translated: — What beast is so silly, as having once broken his chain, will return to it again?

† The nation mimicks.

is, I am but in a ruinous sort of condition, nodding, as it were, to my fall: and my tremors, at all times bad enough under the observation of company, are still worse. For these reasons, though the pleasures of Aylesbury have left a very strong impression, yet dare I not accept your kind invitation to repeat them; but wishing you all happiness in all places.

Am, dear Sir,

Your most obliged, and

Burton-Court near Lemster,

Affectionate friend,

July 29, 1758.

THO. BREWSTER.

TO JOHN WILKES, Esq.

MY DEAR WILKES,

IT is impossible for me to express the infinite obligation you have conferred upon me, by your unsolicited and generous behaviour of yesterday. Give me leave only to assure you, that I am, and ever shall be, in the truest sense,

Your most sincere and

Vine-Street,

Affectionate friend,

May 31, 1763.

ROBERT LLOYD.

TO JOHN WILKES, Esq.

DEAR SIR,

I HAVE hunted you several times, but unfortunately to no purpose. This morning indeed I thought myself sure of you at nine o'clock. But I found you had been gone out an hour. As I returned, I overtook Dr. Markham going to his morning task in Westminster school. —

4 X

What

What an example does the man of pleasure set the man of business! I wish you would let me know whether you intend being at the Shakespear meeting to-night. For as Churchill is out of town, unless I am assured of your being there, I shall be a home-keeper. You talked of going to the Westminster play — if you are not engaged; their next exhibition is on Friday. But what a conjurer I am to tell you that which the enclosed tickets will inform you of much more learnedly!

I shall hope for the pleasure of conducting you there.

And am, dear Sir,

Your very sincere friend,

And obedient humble servant,

Tuesday morning.

R. LLOYD.

TO JOHN WILKES, Esq.

MY DEAR WILKES,

YOUR letters have given me inexpressible uneasiness concerning my friend Charles; and your not giving a direction, leaves me in still greater anxiety that this may not reach you, and I consequently hear nothing how he does. Indeed we are all much alarmed; for though the seeming spirits of your letter to me gave us hopes it might not be so bad with him, that which Jack has received, entirely quashes them. Pray let me hear from you the earliest opportunity, and direct to me at the Fleet coffee-house. I hope I shall not be doubly unfortunate in the loss of my friends, and be reduced to the comfortless necessity of brooding over my own calamities in this ungrateful situation. Dear Wilkes, give me all the information you can, and what services I can do, a duty I owe to you both, command. I am, in the sincerest affection,

Your's ever,

R. LLOYD.

To

TO JOHN WILKES, Esq.

DEAR SIR,

I WILL spare your own feelings and mine by any reflections on our irreparable loss. You did not, I imagine, receive my letter directed for you at an uncertainty, at the post-house, or if you did, you returned no answer, I suppose because you could give no comfort. I am pleased to find from Mr. Cotes, who communicated your letter to him this day to me, that you will be kind to the remains of our dear friend. What is in my power to execute, you will direct and command. And I could much wish, you would as early as you can bring your mind to write on such a subject; give me your opinion (which shall be decisive) as to the publication of the fragment of the verse preface to the *Sermons* and that other of the *Journey*.

The volume I have hastened, and the *Times*, *Farewel*, and *Independence*, are only wanted to complete it.—Would it be improper that as a friend I should say a word or two before this second volume, which for the sake of the family we apprehend should be delayed for a further opportunity of enlarging the subscription? Do, if it is only for the sake of my consolation, who indeed most truly want it, write to me, and as the memory of Charles was dear to you, do not forget him, who is most unfortunate in the loss of the living, and the dead friend.

My own affairs I forbear to mention. Thornton is what you believed him. I have many acquaintance, but now no friend here.

I am, with the greatest sincerity of

Friendship and affection,

Fleet,

Your's ever,

Tuesday, Nov. 20.

R. LLOYD.

To

TO JOHN WILKES, Esq.

MY DEAR WILKES,

I Am infinitely obliged to you for the concern you express for my health, but what account to give you of it, I cannot well tell. I am better as to acuteness of pain.

After having accused me on account of my indolence, dost thou not now tremble at the sight of a whole sheet? Have you laid in a stock of patience, or sufficiently prepared yourself for the Christian duty of mortification? I shall try the strength of your virtues, and the sincerity of your conversion to the doctrines of patience and forbearance.

The affair of Lord Talbot still lives in conversation, and you are spoken of by all with the highest respect. Lord Weymouth gives you the greatest encomiums. Your friends at the beef-stake enquired after you last Saturday with the greatest zeal, and it gave me no small pleasure that I was the person of whom the enquiry was made. Colonel ***** desires his compliments in the warmest terms, and declares he must be known to you with the first occasion. Nothing ever gave me so high an opinion of myself, as not being envious of you.

Think not that the Scottish eclogue totally stands still, or that I can ever be unmindful of any thing which I think will give Wilkes pleasure, and which I am certain will do me honour in having his name prefixed. The present state of it however stands thus — it is split into two poems — the Scottish eclogue, which will be inscribed to you in the pastoral way — and another poem — which I think will be a strong one — immediately addressed by way of epistle to you — this way they will both be of a piece, otherwise it would have been,

Delphinum

Delphinum filvis appingit, fluctibus aprum *.

The pastoral begins thus — and I believe will be out soon — but nothing comes out till I begin to be pleased with it myself,

When Cupid first instructs, &c, &c. †

The other runs thus,

From solemn thought, &c, &c. †

Can *Wilkes*? — I know thou canst — retreat a while,

Learn pity's lesson, and disdain to smile.

Oft have I heard thee, &c, &c. †

Hirco — the MORAL *Hirco* — stains the bed

Of that kind master, who first gave him bread,

Scatters the seeds of discord thro' the land,

Breaks ev'ry public, ev'ry private band,

Beholds with joy a trusting friend undone,

Betrays a brother, and would cheat a son.

If *Hirco* suffers we are all content,

But should blind rage involve the innocent?

The faults of one shall we to all impute?

Shall vicious *Hirco* injure virtuous *Bute*? §

4 Y

Thus

* Thus translated : ————— Who tries
With ever varying wonders to surprize. FRANCIS.

† See the printed edition of *The Prophecy of Famine*.

§ Compare this with the *Conference* in the printed edition.

Hirco, who knows not *Hirco*, &c.

Thus much for rhyme. I have made the N. B. entirely out of your letters. There is a very decent Irishism, unless for *cautious of avoiding* you read *careful to avoid*.

I am,

With the utmost sincerity,

Your's ever,

C. CHURCHILL.

TO JOHN WILKES, Esq.

MY DEAR WILKES,

I Could not write sooner. Would it not have been more for your comfort not to have wrote at all?

News there is none, or, as Dr. Markham under Lord Stormont's name most Christ-Churchically expresses it, *no notices come here*.

I am full of work, and flatter myself my spirits are pretty good — I live soberly — enjoy health — and could, I believe, answer a bill on fight to any woman — but my wife. Next winter is certainly ordained for the rising and falling of many in Israel. — The Lord forbid I should be idle in so great a work, *aut tanto cessarim cardine rerum**. Several poems I shall have out soon, but not, I hope, so soon as to cut them off from the advantage of your criticism. Mr. Pope † ought surely to feel some instinctive terrors, for
against

* Thus translated : — Or be inactive in such an extremely critical juncture of affairs.

† Mr. Churchill thought meanly of Pope's private character, and was always disgusted with the extravagant compliments paid by the minor critics to him, as the first of our poets. Shakespeare, the boast of human nature,
Milton,

against him I have double pointed all my little thunderbolts, in which as to the design, I hope I shall have your approbation, when you consider his *heart*, and as to the execution, if you approve it, I can sit down easily, and hear

Milton, the English Homer, and Dryden in Churchill's phrase *the great High-Priest of all the Nine*, were in his opinion greatly superior to Pope in all the creative powers, which are only given to the truly inspired. Dryden likewise he thought excelled Pope even in the magic of numbers. This is marked very strongly in the *Apology*.

In polish'd numbers, and majestic sound,
Where shall thy rival, Pope, be ever found?
But whilst each line with equal beauty flows,
E'en excellence unvaried tedious grows.

Afterwards he says of Dryden,

Numbers enobling numbers in their course,
In varied sweetness flow, in varied force.
The powers of genius and of judgment join,
And the whole art of poetry is thine.

Voltaire said, "that Pope drove gently about town a neat gilt chariot with a pair of bays, but Dryden poured along the plain a full gallop in a coach and six fiery horses." The writings of Pope, almost the only true, correct, elegant, and high-finished poems in our language, breathe the purest morality, the most perfect humanity and benevolence. In the commerce of life however he shewed himself not scrupulously moral, and was a very selfish, splenetic, malevolent being. The friends, whom he most loved, were the sworn enemies of the liberties of his country, Atterbury, Oxford, and Bolingbroke, on whom he lavished the sweet incense of a delicate, exquisite praise, which ought only to have been purchased by virtue. Bolingbroke thought for him. He might very well say, speaking of his *Gratto* at Twickenham,

Here, nobly-pensive, St. John sat and thought.

St.

hear with contempt the censures of all the half-blooded prudish lords.

For something relative to Pope take the following lines, intended as an answer to those, who because I have slightly mentioned

St. John continued in his exile the *guide, philosopher, and friend* of Pope, he sent him from France the plan of the *Essay on Man*, and even sketched out the ornaments. The reasoning part of it the poet did not at first comprehend. Bolingbroke's posthumous works, and the first edition of the *Essay*, fully prove this. Instead of

Let us (since life can little more supply
Than just to look about us and to die)
Expatiate free o'er all this scene of Man;
A mighty maze! but not without a plan,

It was at first published,

A mighty maze! *of walks* without a plan.

In the fourth epistle likewise those lines of the first edition,

God sends not ill, 'tis nature lets it fall,
Or chance escape, and man improves it all,

Were in the later publications altered to the four following:

God sends not ill; if rightly understood,
Or partial ill is universal good,
Or change admits, or nature lets it fall,
Short, and but rare, till man improv'd it all.

Crouzaz wrote against the first edition of the *Essay*. Warburton artfully defended the poem from the later editions.

To such a man as the poet was in private, Mr. Churchill never appeared very favourable, but he waited till the opinion of the public had fixed the standard of Pope's poetical merit, and then intended to have sifted every part of the character of that sharp satirist. We may now almost venture to speak of Pope in the words of a great writer, when he says of *Fontenelle*,

mentioned a few qualities of a goodly nature of one of my friends, would have me enlarge on his bad, and think me inexcusable for not mentioning them.

Not spare the man I love, not dare to feel
The partial glowings of a friendly zeal !
Nature forgives, nay justifies the deed,
By friendship's first and noblest law decreed.

4 Z

Shall

Il a été sans contredit au-dessus de tous les savans (poètes) qui n'ont pas eu le don de l'invention. [Thus translated : — He has been above all those learned (poets) who have not the gift of invention.]

In that incomparable *Farewel to the Muses* in the third book of *Gotham*, were two very severe lines against Pope, contrasting him strongly with Dryden, which however Mr. Churchill did not think proper to print in the poem.

When the sun, beating on the parched soil,
Seem'd to proclaim an interval of toil,
When a faint languor crept thro' every breast,
And things most us'd to labour wish'd for rest,
How often, underneath a rev'rend oak,
Where safe, and fearless of the impious stroke,
Some sacred Dryad liv'd, or in some grove,
Where with capricious fingers fancy wove
Her fairy bow'r, whilst nature all the while
Look'd on, and view'd her mock'ries with a smile,
Have we held converse sweet ! how often laid,
Fast by the Thames, in Ham's inspiring shade,
Amongst those Poets, which make up our train,
And, after death, pour forth the sacred strain,
Have I, at your command, in verse grown grey,
But not impair'd, heard DRYDEN tune that lay,
Which might have drawn an Angel from his sphere,
And kept him from his office list'ning here ;
Whilst POPE, with envy stung, inflam'd with pride,
*Pip'd to the vacant air on * t'other side.*

* Twickenham.

Shall I not do then, what in days of yore
Most bitter satyrists have done before?
They saw the follies, but they lov'd the men:
E'en *Pope* could feel for friendship now and then.

I take it for granted you have seen *Hogarth's* * print
against me! Was ever any thing so contemptible? I think

he
* Mr. Hogarth was one of the first, who, in the paper war begun by
Lord Bute on his accession to the Treasury, sacrificed private friendship
at the altar of party madness. In 1762 the Scottish minister took a variety
of hirelings into his pay, some of whom were gratified with pensions, others
with places and reversions. Mr. Hogarth was only made serjeant-painter to
his Majesty, as if it was meant to insinuate to him, that he was not allowed
to paint any thing but the wainscot of the royal apartments. The term
means no more than house-painter, and the nature of the post confined him
to that business. He was not employed in any other way. A circumstance
can scarcely be imagined more humiliating to a man of spirit and genius,
who really thought that he more particularly excelled in portrait painting.

The new minister had been attacked in a variety of political papers.
The *North Briton* in particular, which commenced the week after the
Briton, waged open war with him. Some of the numbers had been ascribed
to Mr. Wilkes, others to Mr. Churchill and Mr. Lloyd. Mr. Hogarth
had for several years lived on terms of friendship and intimacy with Mr.
Churchill and Mr. Wilkes. As the Buckinghamshire regiment of militia,
which this gentleman had the honour of commanding, had been for some
months at Winchester guarding the French prisoners, the Colonel was there
on that duty. A friend wrote to him, that Mr. Hogarth intended soon to
publish a political print of *THE TIMES*, in which Mr. Pitt, Lord Temple,
Mr. Churchill, and himself, were held out to the public as objects of ridi-
cule. Mr. Wilkes on this notice remonstrated by two of their common
friends to Mr. Hogarth, that such a proceeding would not only be un-
friendly in the highest degree, but extremely injudicious; for such a pencil
ought to be universal and moral, to speak to all ages, and to all nations,
not to be dipt in the dirt of the faction of a day, of an insignificant part of
the country, when it might command the admiration of the whole. An
answer was sent, that neither Mr. Wilkes nor Mr. Churchill were attacked

he is fairly sold do as I think not to let him off in that manner, although I might safely leave him to

in THE TIMES, though Lord Temple and Mr. Pitt were, and that the print should soon appear. A second message soon after told Mr. Hogarth, that Mr. Wilkes should never believe it worth his while to take notice of any reflections on himself, but if his friends were attacked, he should then think he was wounded in the most sensible part, and would, as well as he was able, revenge their cause; adding, that if he thought the North Briton would insert what he sent, he would make an appeal to the public on the very Saturday following the publication of the print. THE TIMES soon after appeared, and on the Saturday following No. 17 of the North Briton, which is a direct attack on the King's serjeant-painter. If Mr. Wilkes did write that paper, he kept his word better with Mr. Hogarth, than the painter had done with him.

It is perhaps worth remarking, that the painter proposed to give a series of political prints, and that the TIMES were marked plate I. No farther progress was however made in that design. The public beheld the first feeble efforts with execration, and it is said that the caricaturist was too much hurt by the general opinion of mankind, to possess himself afterwards sufficiently for the execution of such a work.

When Mr. Wilkes was the second time brought from the Tower to Westminster-hall, Mr. Hogarth skulked behind in a corner of the gallery of the court of Common Pleas, and while the Chief Justice Pratt, with the eloquence and courage of old Rome, was enforcing the great principles of *Magna Charta*, and the English constitution, while every breast from him caught the holy flame of liberty, the painter was wholly employed in caricaturing the person of the man, while all the rest of his fellow citizens were animated in his cause, for they knew it to be their own cause, that of their country, and of its laws. It was declared to be so a few hours after by the unanimous sentence of the Judges of that court, and they were all present.

The print of Mr. Wilkes was soon after published, drawn from the life by William Hogarth. It must be allowed to be an excellent compound caricature, or a caricature of what nature had already caricatured. I know but one short apology can be made for this gentleman, or to speak more properly, for the person of Mr. Wilkes. It is, that he did not make himself, and that he never was solicitous about the case of his soul, as *Shakespeare* calls it, only so far as to keep it clean and in health. I never heard that he once hung over

the

your notes *. He has broke into my pale of private life, and set that example of illiberality, which I wished — of that kind of attack which is ungenerous in the first instance, but justice in the return — I intend an elegy on him, supposing him dead, but **** tells me with a kiss he will be really dead before it comes out, that I have already killed him, &c. How sweet is flattery from the woman we love, and how weak is our boasted strength when opposed to beauty and good sense with good nature! Those who value themselves on the dignity of man may scorn such a supposition, but I would rather bear that slavery (and it is the only slavery I would tamely bear) than enjoy the empire of mankind.

How is my little muse? How is Miss Wilkes?

I have not, and I am afraid shall not, be able to steal to Aylesbury. Some inducement I find wanting to draw me even

the glassy stream, like another *Narcissus*, admiring the image in it, or that he ever stole an amorous look at his counterfeit in a side mirror. His form, such as it is, ought to give him no pain, because it is capable of giving pleasure to others. I fancy he finds himself tolerably happy in the *clay-cottage*, to which he is *tenant for life*, because he has learnt to keep it in good order. While the share of health and animal spirits, which heaven has given him, shall hold out, I can scarcely imagine he will be one moment peevish about the *outside* of so precarious, so temporary a habitation, or will even be brought to own, *ingenium Galbæ male habitat. Monsieur est mal logé.* [Thus translated: — *The genius of Galbo is lodged in a bad figure*]

Mr. Churchill was exasperated at this personal attack on his friend. He soon after published the *Epistle to William Hogarth*, and took for the motto, *ut pictura poesis.* [Thus translated: — *painting to poetry.*] Mr. Hogarth's revenge against the poet terminated in vamping up an old print of a pug-dog and a bear, which he published under the title of *The Bruiser C. Churchill (once the Revd.!) in the character of a Russian Hercules, &c.*

* In Mr. Churchill's will is the following passage, *I desire my dear friend, John Wilkes, Esq. to collect and publish my works with the remarks and explanations he has prepared, and any others he thinks proper to make.*

even to the pleasures of that place. Can Wilkes at Paris guess what it is? As little shall I be able to see Mr. Dixon, for your letter to whom I shall not thank you, intending for my own ease to bring all your acts of civility and friendship to one account, which I hope is yet at a great distance. I have begun the fourth book of the *Ghost*, and by the beginning of next month hope to hear of its being received, where I most wish it should be approved.

Is Paris pleasant? Have the lively Gauls superior attractions to the English? The only thing I envy France is you. For my own sake I could wish it was without pleasure; for your's I could wish every pleasure doubled. Col. **** desires to be remembered to you, with many others, and when I reflect on the enquiries made after you by the most sensible of this sinking nation, I cannot help feeling a vain satisfaction, that I am the person of whom they enquire. Lloyd talks of writing, and Fitzherbert, who is perfectly recovered, of coming in at the heel of the letter, mean time desiring his best respects. The post-chaise waits, and Charlotte cries, Away! — I beg you will not let me have an opportunity of writing again. I am on fire for politics, nor do I perceive one jot of discouragement come from the thought of the King's-Bench, and the *pale Mansfield* *. Come over, nor by staying there add one more triumph of

5 A

peace

* In the *Epistle to Hogarth* he says,

Doth not the voice of *Norton* strike thy ear,
And the *pale Mansfield* chill thy soul with fear?

The reason of the epithet *pale* being so particularly given to *Lord Mansfield* is best explained by a passage in the last book of the *Ghost*.

Palenefs

peace to France. Your friends long to see you, and none more than

Your's,

Most affectionately,

Aug. 3. 1763.

C. CHURCHILL.

I have resolved,

Resolve not quick, but once resolv'd be strong,

to write an Epic Poem in four books. The purport you may guess by the name, CULLODEN.

I enclose you a copy of a paper, which will soon be sent you by the printers, &c. in gratitude for your late labours. I hope you are recruiting to begin more attacks against the tyranny of our ministry, which increases every day.

"We, the underwritten, who were contrary to law imprisoned by the King's messengers, desire thus publicly to return thanks to John Wilkes, Esq. for his spirited endeavours, and steady attention, to procure us that redress and satisfaction, which we have at length obtained by the verdicts of our countrymen."

Witness our hands this, &c.

To

Palenest, not such as on his wings

The messenger of sickness brings,

But such as takes its coward rise

From conscious baseness, conscious vice,

O'erspread his cheeks,

TO JOHN WILKES, Esq.

MY DEAR WILKES,

I Am greatly obliged by your's of this morning, and the moment I have occasion, there is no person in the world to whom I would so soon apply as yourself; and from whom I should so willingly receive favours. I shall without scruple shew you what dependence I have on your friendship. The plan of next N. B. I have changed, and for this reason, on pursuing it I find it the best subject for a poem I ever had in my life. The *Prophecy of Famine* you may remember took its rise from a similar circumstance, and if I may venture to be prophetic in prose, this will be a much better poem.

I admire exceedingly your motto * for the last number of the *Auditor*. It will make Murphy mad. My head is full of Hogarth, and as I like not his company, I believe I shall get him on paper, not so much to please the public, not so much for the sake of justice, as for my own ease—a motive ever powerful with indolent minds. I have begun already, and seem to like the subject. I have been so long out of verse, that it appears like a new world, and has acquired fresh charms from disuse.

Mr.

* *Discedam, explebo numerum, redlarque tenebris.*

Virg. *Æn.* lib. vi.

[Thus translated:—Lo! to the secret shadows I retire,

To pay my penance till my years expire.

DRYDEN'S VIRG.

Mr. Legge * enquired affectionately after you. He is in good spirits and bears up nobly.

I am ever your's,

C. CHURCHILL.

Should I have put my name to the truth? Is it not a libel?

TO JOHN WILKES. Esq.

MY DEAR WILKES,

MY not writing to you sooner, and my not giving you earlier notice of my inability to write the N. B. for this week, arises from my flattering myself that I should have been recovered from my indisposition, but I still keep my bed: when I shall get out of it, I do not guess.

Many

Mr. Legge was the first political victim to Lord Bute. Mr. Pitt, and the Dukes of Newcastle, Devonshire, &c. beheld with great indifference his dismissal. That able financier foretold that he was only the *first* sacrifice to the favourite, and that all the rest would follow. He was dismissed without any reason being given to the public, or any charge on his conduct. He observed that was the moment of making the opposition to the minion, and that it was necessary for the preservation of all the other Whigs, who if they did not make the stand then, would attempt it in vain afterwards. His words were prophetic. Mr. Pitt and Lord Temple were soon obliged to resign. The Duke of Newcastle was elated at this event, but a few days dashed all his joy, and a few weeks convinced him of the annihilation of his power. He gave up the Treasury, and all his friends went in direct opposition. The Duke of Devonshire was soon after dismissed with still stronger marks of disgust. He was struck off the list of Privy-Councillors.

Perhaps a more remarkable instance is not to be found of the infatuation of Statesmen, as well of the little harmony, which generally prevails among them. If Mr. Pitt, the Dukes of Newcastle and Devonshire, &c. had firmly supported so unexceptionable a minister, and so amiable a man, as Mr. Legge, I am persuaded the favourite must at first have yielded, and they would

Many things have I to say to you, but my head rambles too much for recollection. I am quite exhausted, for I have not been able to sleep for the last week. Would I had a Mason * here!

Lloyd tells me that you have wrote an answer to the supposed *Letter from the Pretender to the Earl of Bute in the North Briton of February the 19th*. He says you have most happily imitated all the *quaintnesses* of Bute's stile, and inserted several curious anecdotes from him to his dear cousin.

5 B

Pray

would have become a firm phalanx against all his further attacks, and all future enemies. But they were secret enemies, and false to each other. The sacrifice of one seemed to forward the views of the rest, whereas it only hurried them all on to the period of their extinction. The political death of Mr. Legge foretold the speedy dissolution of the others.

* He says in the *Rosciad*,

And waken mem'ry with a *sleeping ode*.

The gentle *Billy Mason*, whose poetry runs like a smooth, shallow stream, *somnos et invitat leves*, [Thus translated: — and invites to gentle slumber,] tuned an *Ode to Memory*, which beyond poppy, or mandragora, or all the drowsy syrups of the world, could, after ocular proof, give an *Othello the sweet sleep of yesterday*. Mr. Churchill has frequently paid his compliments to Mr. Mason. In the *Prophecy of Famine* he carries him to *Kew*, and introduces him to Lord Bute.

For bards like these a wreath shall *Mason* bring,

Lin'd with the softest down of *Folly's* wing;

In *Love's Pagoda* shall they ever dose,

And *Gisball* kindly rock them to repose;

My Lord — to letters as to *faith* most true,

At once their patron and example too,

Shall quaintly fashion his love-laboured dreams,

Sigh with sad winds, and weep with weeping streams.

In the *Journey* likewise he speaks of him not in a very favourable manner,

Let

Pray send it to me. You are again happy in your motto * to it. Pray finish the paper against the Tories, which you shewed me. I mean that which has the motto,

Per varios casus, per tot discrimina rerum

Tendimus in Latium †.

I fear the damned *Aristocracy* ‡ is gaining ground in this country.

I am,

Your's most sincerely,

C. CHURCHILL.

To

Let them, tho' modest, *Gray* more modest woo; ;

Let them with *Mason* bleat, and bray, and coo.

And in several other parts of his works.

* The motto to this ironical letter of the Earl of Bute to the Pretender, was from Ovid,

Nil mihi rescribas; attamen ipse veni. [Thus translated:—*Send me no answer; come yourself.*]

The letter was never published.

Thus translated:—Thro' various hazards, and events we move

To Latium, and the realms foredoom'd by Jove.

DRYDEN'S VIRG.

† Let not, whatever other ills assail,

A damned *Aristocracy* prevail.

FAREWELL.

The excellent *D' Alembert* says, " Dans le plan que le celebre Chancellor Oxenstiern donna pour la regence, on remarque un eloignement pour

TO JOHN WILKES, Esq.

MY DEAR WILKES,

I Wish it was in my power to send you the next Saturday's N. B. according to your desires, but though I expected that you would depend on me, I have not as yet wrote a letter of it, according to my usual maxim of putting every thing off till the last. You may be certain however

“ le despotisme, qui doit honorer la mémoire d'un Ministre d'Etat. Il paroît incliner pour un gouvernement mêlé du monarchique et du républicain ; et l'on ne peut disconvenir que cette forme n'ait plusieurs grands avantages, sans prétendre d'ailleurs toucher à la question délicate du meilleur gouvernement possible, dont la solution peut recevoir différentes modifications par la différence des climats, de la situation, des circonstances, du génie des Rois et des Peuples. *Mais on ne sauroit soupçonner un esprit aussi éclairé qu' Oxenstiern d' avoir donné la préférence, comme quelques-uns l'ont cru, au gouvernement ARISTOCRATIQUE, que le droit naturel et l' experience démontrent être le pire de tous.*”

Mélanges de Littérature, d' Histoire, et de Philosophie. Amst. 1764, vol. ii. p. 237. [Thus translated : —

“ In the plan which the celebrated Chancellor, Oxenstiern, gave for the regency, it is to be remarked, that he was averse to despotism ; so much as does honour to the memory of a minister of state. He seems inclined for a government composed of the monarchial and republican ; and it is indisputable, that this form has many great advantages, without, however, pretending to touch upon that delicate question, Which is the best possible government ? The solution of which may receive a great variety of modifications according to the difference of climates, situations, circumstances, and the genius of Kings and People. *But it cannot be supposed, that such an intelligent man as Oxenstiern was, would have given the preference, as some said, to the aristocratical government, which natural right and experience shew to be the worst of all.*”

Miscellany of Literature, History, and Philosophy. Amsterdam, 1764, vol. ii. page 237.

ever of its being done in time. I have the cause too much at heart to let it be out of my head.

I have just received the following epigram, built on the supposition of my being the N. B.

While the Briton, true Scotsman, more cunning than wise,
Would cajole us good people with party and lies,
The North Briton steps forth like a Briton of old,
And tells us those truths, which we ought to be told.
Oh Patriot Divine, how I honour thy merit!
Thou hast TWICE laid a GHOST*, may'st thou now raise
a SPIRIT.

I am very sorry I cannot meet you at Aylesbury, or come to you at Winchester, but that which I at first considered as the amusement of a trifling hour is become the serious attention and delight of my days. It has already been so of three weeks, and is likely to continue as much longer. This UNIVERSUM TRIDUUM. When we meet, which I flatter myself will be soon, you will be amazed to see how I am altered. Breakfast at nine — two dishes of tea, and one thin slice of bread and butter — dine at three — eat moderately — drink a sober pint — tumble the bed till four — tea at six — walk till nine — eat some cooling fruit and to-bed. There is regularity for you!!!

Last Saturday I heard the trial of the conspirators relative to Miss Fanny, and was much entertained. They proposed to bring the girl into court, but my Lord looking in that way which is called looking we don't know how, and applying his hand to that part of the body, where fools they say are better provided than men of sense, significantly

* The two first books of the GHOST only were then published.

ificantly declared that he would advise them not to bring her in, for, quoth my Lord, I find I shall certainly be at her.

I read the two last papers with much pleasure, and hear them well spoken of. There is one circumstance in your letter, which hurts me. You say nothing when you shall be in town. I hope soon. Neither do you mention Miss Wilkes, whom I must not forget.

The paper of the third will never be forgotten, and you will never be forgiven, as it is universally ascribed to you. It has opened the eyes of many. "Hated by knaves, and 'knaves to hate'", may not be your motto, but will undoubtedly be your fate through life.

I desire you to take great care of your health, and still more of your life. I cannot bear to think that a life, which I value almost equally with my own, should be sacrificed to false principles of honour, though ever ready to be devoted on a true and noble plan. You seem sometimes rather to live in romance, than under the direction of that well-tempered, cool, distinguishing reason, in which no man is generally more happy than you.

The passage you quote from Homer † ought never one moment to be out of your mind.

I am, my dear Wilkes,

July 13, 1762. Your's most sincerely,

C. CHURCHILL.

5 C

To

* See SWIFT.

† Why leave we not the fatal Trojan shore,
And measure back the seas we cross'd before?

The plague destroying whom the sword would spare,
'Tis time to save the few remains of war.

HOMER'S Iliad, POPE'S Translation.

TO JOHN WILKES. Esq.

MY DEAR WILKES,

YOU are certainly the best tempered fellow in the world; so ready to forgive the idleness of a friend, and yet never giving him an opportunity of paying you in kind. I am now in the same sentence to thank you for several letters, and likewise for the acquaintance of Goy*, which I deem one of the greatest obligations you have conferred upon me. I have a thousand things to say relative to fools and wise men, Englishmen in France, and Scotsmen in England, but your own affairs are in their own nature so much more pressing, and as to time so very critical, that I shall postpone every other consideration, and give them that preference in my letter they have in my mind.

Shall you come over in November? A very pithy manner of asking a question, on the decision of which your whole welfare turns, which you submit to others, when you should ask it of yourself, concerning which your friends may mean well, but you only from your own feelings can judge rightly. But take my thoughts thus:

If

* Monsieur Pierre Goy, a French Gentleman of fine parts, and excellent wit, whom he mentions in the last poem he published, "Independence."

Horace lov'd mirth, Mecænas lov'd it too,
They met, they laugh'd, as Goy and I may do.

Dr. Armstrong has likewise celebrated this gentleman in the epistle called, "A Day."

There lively, genial, friendly Goy and I, &c.

If you stay in France, you will undoubtedly be outlawed : (the consequences of the outlawry are however nothing to a man not foolishly mad after this land of folly). You will not be able to go on *now* against Lord Halifax, the cause cannot soon be tried. Yet, if I might advise, stay in France. There is scarcely a consideration that could make me think your return to England in November defensible in the eye of common sense.

Have I made out clearly what I mean ? It is a cause in which you have too near a concern for me to be cool and disinterested, and my heart is too much affected to give my head fair play. As there is no man who is more ready to ask advice, so I am sure there is no one more able to give it you than yourself — I mean your cool and rational self — Consult that, and you cannot do wrong.

Lend us Miss Wilkes — I long to see her — and I am sure you will not refuse her, when I tell you that every true Englishman will be happy in seeing her, and consider her (which I hope it will prove) as a forerunner of him, to whom every true Englishman is most essentially indebted.

Friendship, great as mine, can scarcely forgive your inattention to the care of your health. Reflect that your country demands your life. The cause of Liberty is in your hands, and that blessing, so much dearer than life, must remain precarious, if not fixed by you. No one can try the Secretary of State, if you do not, and though there is no doubt but there may be arbitrary ministers in future times, yet 'tis with me a matter of question, whether there may ever be another *Wilkes*.

There is a new print just published of you very like. I have wrote under it the four following lines from *Pope*, who is happy in them.

A soul

A soul supreme, in each hard instance try'd,
 Above all pain, all passion, and all pride,
 The rage of power, the blast of public breath,
 The lust of lucre, and the dread of death.

OCT. 11, 1764. I am ever your's,
 C. CHURCHILL.

TO JOHN WILKES, Esq.

DEAR SIR.

I Am again your petitioner in behalf of that great chum
 of literature, Samuel Johnson. His black servant,
 whose name is Francis Barber, has been pressed on board
 the Stag Frigate, Capt. Angel, and our lexicographer is in
 great distress. He says the boy is a sickly lad of a delicate
 frame, and particularly subject to a malady in his throat,
 which renders him very unfit for his Majesty's service. You
 know * what matter of animosity the said Johnson has
 against you, and I dare say you desire no other opportunity
 of resenting it than that of laying him under an obligation.
 He was humble enough to desire my assistance on this oc-
 casion, though he and I were never cater-cousins; and I
 gave

* A pleasantry of Mr. Wilkes on that strange passage in Johnson's *grammar of the English tongue*, prefixed to the *Dictionary*, "H seldom, perhaps
 " never, begins any but the first syllable." It was printed, when the *Dic-
 tionary* first appeared, and contained a few score instances to prove the fal-
 sity of Johnson's remark. It began, "The author of this observation must
 " be a man of a quick apprehension, and of a most comprehensive genius,
 " &c."

gave him to understand that I would make application to my friend Mr. Wilkes, who perhaps by his interest with Dr. Hay and Mr. Elliot might be able to procure the discharge of his lacquey. It would be superfluous to say more on the subject, which I leave to your own consideration, but I cannot let slip this opportunity of declaring that I am with the most inviolable esteem and attachment,

Dear Sir,

Your affectionate, obliged

Chelfea,

Humble servant,

March 16, 1759.

T. S M O L L E T.

To JOHN WILKES, Esq.

DEAR SIR,

ECCE iterum Crispinus *—your generosity with respect to Johnson shall be the theme of our applause and thanksgiving. I shall be very proud to find myself comprehended in your league offensive and defensive, nay, I consider myself already as a contracting party, and have recourse to the assistance of my allies. It is not, I believe, unknown to you that Admiral Knowles has taken exception at a paragraph in the critical review of last May, and commenced a prosecution against the printer. Now whatever termination the trial may have, we shall infallibly be exposed to a considerable expence: and therefore I wish to see the prosecution quashed. Some gentlemen who are my friends, have undertaken to find out and talk with those who are supposed to have influence with the said Admiral:

5 D

may

* Thus translated:—Behold, again Crispinus.

may I beg the same favour of you and your friends? The trial will come on in the beginning of May, and if the affair cannot be compromised, we intend to kick up a dust and die hard. In a word, if that foolish Admiral has any regard to his own character, he will be quiet rather than provoke further the resentment of

Dear Sir,

Your very obliged,

Chelsea,

Humble servant,

March 24, 1759.

T. SMOLLET.

TO JOHN WILKES Esq.

Dear S I R,

MY warmest regard, affection and attachment you have long ago secured. My secrecy you may depend upon — when I presume to differ from you in any point of opinion, I shall always do it with diffidence and deference. I have been ill these three months: but hope soon to be in a condition to pay my respects to Mr. Wilkes in person. Mean while I must beg leave to trouble him with another packet, which he will be so good as to consecrate at his leisure. That he may continue to enjoy his happy flow of spirits; and proceed through life with a flowing sail of prosperity and reputation, is the wish, and the hope, and the confident expectation, of

His much obliged,

Humble servant,

Chelsea,

March 28, 1762.

T. SMOLLET.

To

TO JOHN WILKES, Esq.

DEAR WILKES,

AS I cannot be sure of seeing you in a day or two, I cannot help writing a line to correct a mistake which Buller tells me you are under, and which, if true, would give me great concern. He informs me that you lamented my having given some sort of countenance to the terms of the NEW LOAN, which surprises me greatly in a matter where my attention and my practice was just the contrary, and I must have expressed my thoughts strangely to be so misunderstood, if you were present at the times I spoke. I think I can recollect almost the words I used both days, and will repeat them to you. When Sir Francis brought in both the taxes, and the *loan*, (and that was before the exorbitant premium upon the tickets had taken effect) I said that as to one of the taxes (the *wine*) I was certain it would bring in nothing, that is, cause no encrease upon the general revenue on *wine*, but on the contrary diminish it, and gave my reason. As to the bargain, I thought it a bad one; for that the *treasury* themselves in the disposition they had made of the *navy bills and ordinance debentures*, supposed the *redeemable four per cents* to be at par, that the *premium* therefore upon this bargain would be whatever the rage for play (when the gamesters would think they were come for the last time to the table and with a great deal of money in their pockets) should induce them to give for *lottery tickets*. This might go, especially upon two lotteries, to two, three, or more pounds *per* ticket, (though indeed I did not foresee it would go higher) and then they would give four, five, or may be six per cent. *premium* for raising a four *per cent at par*, which was enormous. Upon the second day I desired what I had said upon the former day might

might be recollected, and in answer to the excuse, Sir François made from the time at which the bargain was made I said it was very possible that while so material an alteration between the *preliminaries* & *definitive treaty*, as the *East India Article*, was depending, it might make the signing of the *definitive treaty* very doubtful, and consequently affect the stocks. But to what purpose was the head of the board of *Treasury* of the cabinet council, and admitted to the knowledge of all foreign affairs, but to form his domestic conduct upon that knowledge, and therefore why was so improper a season pitched upon to make the *loan*? This occasioned Fox to declare that the Treasury knew the *definitive treaty* was signed at the time of making the *loan*, and at the same time to declare his wonder at the folly of mankind to give four or five pounds for leave to toss up for ten. In answer to this I replied, that if the Treasury knew of the *definitive treaty* being signed, they were inexcusable not to have brought their *loan* to an open subscription, which was the only sure way to take a test of the temper and folly of the market, and might at such a time and for so small a sum have been done with safety.— And you know Oswald then gave reasons to excuse their not having resorted to open *subscriptions*. This is pretty near the manner in which the whole past. I write in a hurry, but should be very sorry this transaction lay wrong in your honour's mind, especially as you might not be present at the whole both days. I hope you do not go abroad early in next week, and will endeavour to get Dr. Hay and Dr. Butler to meet you here at dinner on Wednesday next, if you stay so long.

I am, dear Wilkes,

Saturday morning, Faithfully your's,

March 26, 1763. H. B. L E G G E.

To

To the Printer of Mr. WILKES's
interesting Tracts.

S I R,

THE present times have produced a wonderful variety of *state letters*, which have for a time amused, and fixed the attention of the public. Lord *Holland* gave us a very curious one addressed to the members, about his *taking the conduct of the House of Commons*. Lord *Chatham* favoured us with another in excuse of his wife's title, and his own pension, and I suppose we shall have a second about his own title and place. But the present hero with the public is Lord *Barrington* *, and I have seen no letter of so much importance in itself, so pregnant with future mischief, as that said to be his Lordship's. The two first letters have been only laughed at, but the last has been much wept over. The alarm it has given is indeed general, but I hope, by means of the press, to be the happy instrument of quieting the minds of men, who are now in greater apprehensions for the fate of the civil liberty of this country than I ever remember.

The paper, Sir, is a letter signed B-----, and dated --- Office, May 11, 1768, and relates to the horrid massacre in St. George's Fields on the day before, for which the officers and soldiers are thanked by the Secretary at war in the king's name, as it is generally supposed, but, I believe, very unjustly.

I find that three different opinions about this paper prevail among my friends. The first, but the most probable,

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is

* See his letter of thanks, page 184 Vol. I.

is, that the signature B----- means Lord *Barrington*, and that --- Office, May 18, 1768, means the *War Office*. The second, rather more probable, is, that B----- means Lord *Bute*, and --- Office, is his Lordship's *private office*, from whence it is known, that every order of importance, even every hint of what is to be done, has for several years issued. But the third opinion, to which I adhere, is, that the letter is an absolute forgery, invented by some Scottish Jacobite, to create future murders among us, as well as to throw an eternal odium, and indelible infamy on the present administration, which he well knew nothing could so thoroughly effect.

The first opinion, that such a letter could come from Lord *Barrington* is absolutely impossible. Let us but one moment take into consideration his Lordship's political character, and we shall see that he never could be the author of such an outrage on the civil power of his native country in compliment to the military. He is no military man. Prowess never made any part of his character. He is confessedly *sola libidine fortis*. He knows no campaigns, but in the field of love, and during the winter in the House of Commons, where no minister ever found a *mutiny and desertion* bill necessary with respect to him, any more than the other troops not in regimentals, who are in the pay of the treasury. *Pliability* alone has distinguished him. I know no where so slight and flimsy a man; such a mere panado Lord. He was only remarkable in the late reign for being a kind of *make-weight* among the ministers. There is scarcely a department of the state he has not filled for a few hours, or a few days, sometimes, till the great could agree, for a few weeks. If there was any little dirty job in the old king's time to be carried with respect to Hanover, it was left to his management, but he never was employed in any thing of real importance. He therefore never could be thought

thought of for the boldest measure which ever minister ventured upon, the thanking officers and soldiers for an act, which different counties, and more than one jury, had found to be *wilful murder*, and the desiring them to go on with the same *alacrity*. In such a service, it is not sufficient that a man has no principle; he must be a bold, daring, wicked man, of sterner stuff than Lord *Barrington*, and of better parts, to varnish over the black deeds he has perpetrated himself, or commanded and applauded in others. In the present case there is only a heart to approve, there is no tongue to justify, such an atrocious villainy.

I have another strong reason on this head. Lord *Barrington* is an Englishman. Would an *Englishman* have thanked *Scottish* officers and soldiers for having in so inhuman a way spilt the blood of his innocent countrymen? For it is clear, that every person killed was at the time harmless and inoffensive, and had been so the whole day. One was on a hay cart, another selling oranges, a third walking in the road, &c. The letter says, that the writer has *a pleasure in informing them, that his Majesty highly approves* — what? this rank and foul murder? I am sure, Sir, that assertion cannot be true, and could I believe that Lord *Barrington* talked of such a thing being his *pleasure*, I should hold his Lordship in horror, as the blackest soul that ever animated a human body. It would make ever other man shudder, and whoever can *approve* such a fell and horrid deed, as the late bloody massacre, I desire he may do me the honour to *disapprove* every single action of my life, and grace me with the sanction of his *displeasure*.

As Secretary at War, it must be supposed that the noble Lord is exactly informed of all the transactions of that memorable Tuesday, with respect to the military. How then could his Lordship set his hand to a known falshood in thanking the officers and soldiers for *preserving the public peace*,

peace, which was only broke by themselves? Till the arrival of this *Scottish* detachment, every thing was quiet both in and about the prison: afterwards they raised a disturbance by the rough manner of treating the people, by their abuse, their menaces, and the actually pushing at and wounding them with their bayonets. There was not the shadow of a pretence for the military's being called in at first, and as little for their insolent and cruel behaviour when they came. They in fact caused a tumult near the prison, and then fired repeatedly on every body indiscriminately, as well there as at a considerable distance from it, on people in the neighbouring fields, and on the passengers in two high roads. There has not been such a massacre of the English by Scotsmen since *Prestonpans* and *Falkirk*. That Tuesday wore a more military appearance in St. George's-fields, than any day since the *Revolution*. Mr. *Wilkes* told his friends, that he thought he lay in camp that and the two following nights, such was the din and clashing of arms, such the weighing and trampling of the cavalry. The marches and counter-marches of the troops, their divisions and sub-divisions, the foot advancing, attacking, and afterwards pursuing, as in the case of poor young Allen, killing those they might have taken prisoners, the horse at full speed, galloping backwards and forwards, and firing, made the Tuesday seem a day of battle, and the people the enemies, not the unarmed dutiful subjects of a gracious King at full peace with them. Such a day has not been in England since the accession of the mild house of Brunswic. May our annals never tell of such another! Good God! Sir, can Lord *Barrington* call this *doing their duty with alacrity*, and declares that the King approves such unprovoked cruelty? It can never be. I will never believe it. The letter cannot be wrote by any man, who has the common feelings of humanity, much less by a nobleman of education, brought up

up not under the Tories, but under the true friends of liberty, who is of some sort of character and abilities, and though not *too full of the milk of human kindness*, not a barbarian, nor a savage blood-thirsty minister of the absolute decrees of a sanguinary *Muley Ismael*.

But it is possible that the signature B----- may mean Lord *Bute*, and --- *Office* may be *his private office*, from whence, without the King's knowledge, so many orders of the last importance have issued, as much the fabric of his Lordship and his private junto, as their peace of *Paris*, although neither the name of *Stuart* nor *Bute* appeared even to that, but others were ordered to sign. We cannot see in a more glaring light, the difference between a beloved King and a detested Favourite than we now do at home. The King loves the English, and is beloved by them. *Bute* hates, and is hated by the whole body of this nation. In the year 1763, he would not venture to dine with the Lord Mayor in our capital, till he had secured a set of bruisers as his body-guard, under the conduct of one *Richardson*, and contracted with him *to insure his life* for the day. How narrowly has he twice escaped here the fury of an injured people? And may he ever escape it, to be reserved for the just punishment of his *public* crimes, after so fair a trial and so full a conviction, that scarcely a Scot or a courtier may remain, who will have so little sense of shame as even to whisper that he is guiltless! From his whole conduct we may be sure the late *massacre* is grateful to him, though not to his master, who wishes to see us *live* and prosper, whereas the interest of the *real minister*, the *Scot*, is that we may be *destroyed*, or at least broke down to his yoke, that his creatures may seize and riot in the spoils, and therefore the letter desires the troops to go on, *as they have done, with alacrity*, that is, to be his *murdering ministers*, to kill the English,

lish, like flocks of sparrows, in absolute wantonness, without pity or remorse.

I am, however, Sir, rather inclined to think that the letter in question is a forgery. It states in express terms an absolute impossibility, *that his Majesty highly approves of the conduct of both the officers and men, and means that his royal approbation should be communicated to them.* In the conclusion, it is said, *that every possible regard shall be shewn to them; their zeal and good behaviour upon this occasion deserve it; and in case any DISAGREEABLE CIRCUMSTANCE should happen, in the execution of their duty, they shall have every defence and protection that the law can authorize, and this office can give.* It cannot be, Sir, that the first magistrate of this country could command such thanks to be given to the officers and soldiers for what an English jury had found to be *wilful murder*, and that this first magistrate should be a Prince of the house of Brunswic. There cannot be imagined so great an inconsistency. Then, to allude to such a crime as murder, and to call it only a DISAGREEABLE CIRCUMSTANCE, to promise *every possible regard, every defence, every protection*, which words must be intended to hold out the idea and hope of a PARDON, and to beg the troops to be eager to commit future *murders* on the same condition, and such full security, by desiring them *to continue AS THEY HAVE DONE, to perform their duty with ALACRITY*; all these particulars harrow up my soul, and would leave a prey to madness and despair, if I were not satisfied the whole were a forgery, a mere invention of some malignant spirit, who seeks our destruction. The King, I am persuaded, is grossly abused in this affair, and his sacred name unwarrantably made use of to purposes he neither knows, nor can approve. His royal heart, I am sure, bleeds for the late cruel and unjust sufferings of his dear people, whom he loves and cherishes, and I expect
that

that we shall soon see a proclamation for the apprehending of *Alexander Murray*, Esq. who has absconded since the verdict of the coroner's inquest, in the same manner as there was in the late reign for his name-sake and uncle, although that was only for refusing to kneel before the House of Commons, not for *wilful murder*. The King is our common father, and we know him to be an *indulgent* and *merciful* parent to us all. We are therefore sure that he grieves still *more* than we do at the unmerited distress and irreparable loss of some worthy families. Besides, the *painful* feelings which the tenderness of his nature cannot fail to give on so affecting an occasion, he has the additional concern as our Sovereign, as the great guardian of the lives of the people committed to his care, that he lost several good and faithful subjects, who might have been as useful to the state as to their own families, now, alas! for ever deprived of all hope and comfort. — But, Sir, my mind is too deeply affected to dwell longer on such horrid scenes of cruelty and carnage. — I am forced to conclude, but I cannot forbear crying out in the words of Shakespeare,

I think our country sinks beneath the yoke.

It weeps; it bleeds; and each new day a gash

Is added to her wounds.

END OF THE SECOND VOLUME.



I killed her wounds.

END OF THE SECOND VOLUME.

1990



